

ZB# 91-18

Stewart Liner Trans. Corp.

4-1-5.1

Prelim.

June 24, 1991.

Need:

- ① Proxy & Neurotzi.
to
- ② Contract of Sale
w/ deed pg
- ③ Title Report.
- ④ Photos.

OPD to be verified

Matter tabled -

(if signs dimensions were
changed by Ap - new NOD is
needed.)

2nd Prelim. - No

July 8, 1991.

① Proxy or letter

auth. owner

② Title Report.

③ Photos already

submitted. 7/15/91

Ordered list on 7/15/91

Public Hearing:

Aug. 12, 1991.

OPD notified - 7/22/91.
Answer needed.

Collect \$50.00 Rec-Ap

20-14-List

paid

Notice to Sentinel on 7/25/91.

mailing done 7/30/91 (AK)

Sign Variance

Granted. 8/12/91

#91-18 - Stewart Liner Trans. Corp. - sign

General Receipt

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

Received of

\$

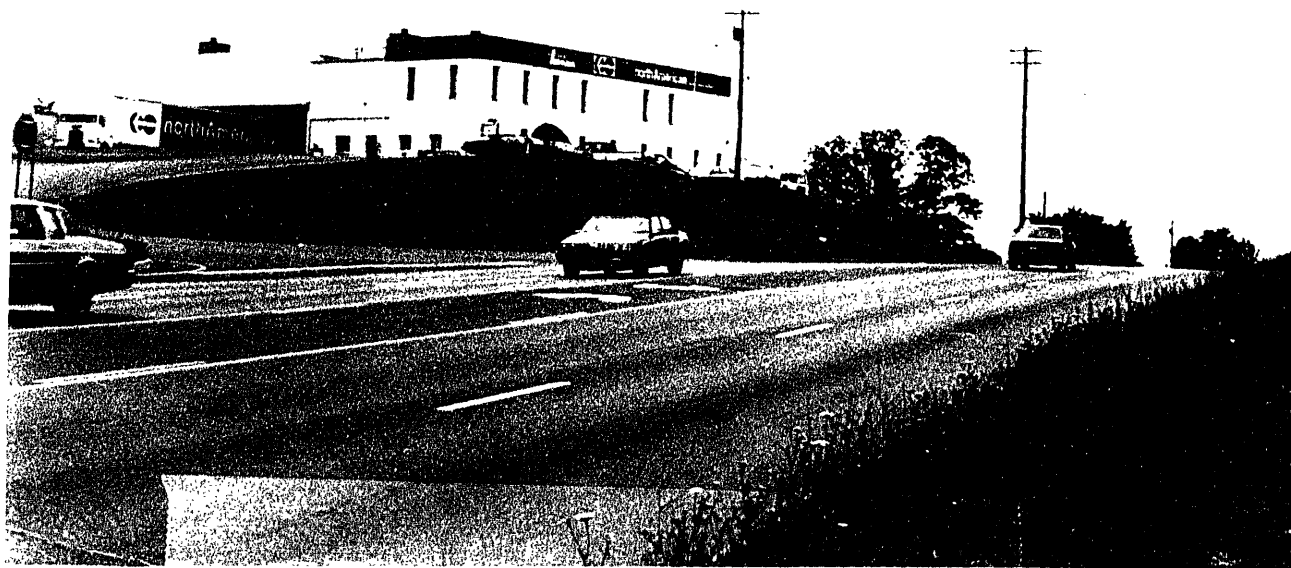
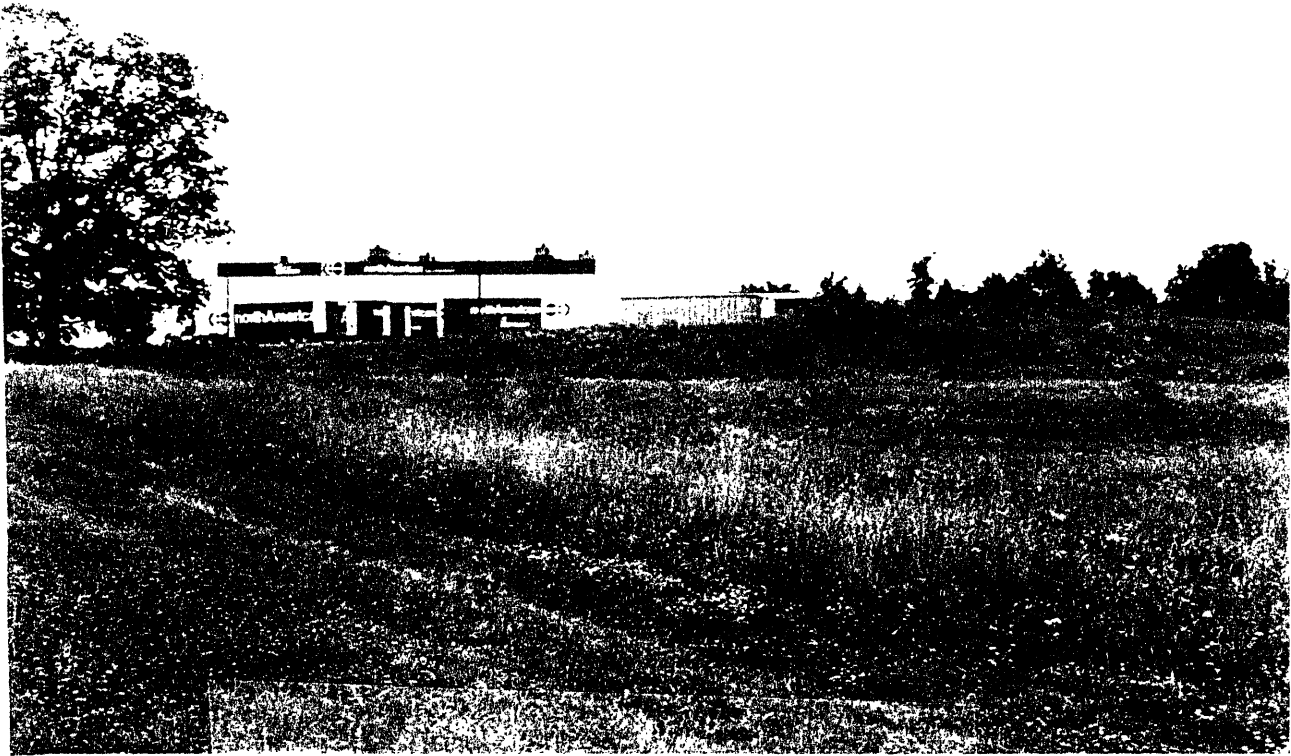
DOLLARS

For

By

Title





file

NEW WINDSOR ZONING BOARD OF APPEALS

(ZBA DISK#1-050388.FD)

-----X

In the Matter of the Application of

NEUMETZGER, LOTHAR/ARNOFF MOVING & STORAGE

DECISION GRANTING
SIGN VARIANCE

#91-18.

-----X

WHEREAS, LOTHAR NEUMETZGER, residing at Susan Drive, Newburgh, New York 12550, owner of the parcel in question and ARNOFF MOVING & STORAGE, INC., a corporation and contract purchaser of the parcel in question, having an office located at 682 Dutchess Tpk., Poughkeepsie, N. Y. 12603, have made application before the Zoning Board of Appeals for a 300 s.f. sign area variance for a building sign located at Liner Road in a C zone; and

WHEREAS, a public hearing was held on the 12th day of August, 1991, before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, Applicant Neumetzger appeared in behalf of the application together with Richard Arnoff, Ron Anderson and Tony Martini, all of Arnoff Moving & Storage, Inc., and Philip Ghee of Ghee Sign Service. Mr. Anderson, Vice President of Arnoff, made the presentation, assisted by Tony Martini, Corporate Sales Manager, and Philip Ghee, in support of the application; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.

2. The evidence shows that the applicant is seeking to construct a building sign to be placed on the front portion of the building in question, on two building faces. The proposed sign will replace existing unlighted signage which is somewhat longer but which does not rise above the roof line (the applicant stated that the 18 inch rise over the roof line is needed so that the sign does not block windows in the building)

3. Applicant's proposed sign area exceeds the bulk regulations for signs in the C zone by 300 s.f.

4. The evidence presented and the Board's familiarity with the area show that Route 300 in front of the applicant's site is a well-traveled highway, and that motorists typically pass the subject site at more than 45 m.p.h., depending upon traffic (speed limit is 45 m.p.h.), which makes clear signage identifying the location of area businesses essential to passing traffic. The evidence presented by the applicant also indicated that signage placed near the corner of Union Avenue and Liner Road would not be effective because it would interfere with visibility at the intersection and could not be located on State lands.

5. The evidence presented by the applicant indicated that the building in question sits approximately 110 ft. above the road level and is not visible until you reach a point which is 100 ft. away. If you are proceeding west, there is a hill obstructing the view of the building. Proceeding in the eastly direction, there is a large tree obstruction.

6. The evidence presented by the applicant indicated that the proposed sign is constructed of channel-type lighting which emits a dull glow. The "Arnoff" name is enhanced by raised letters which protrude 18 inches above the roofline, but not higher than the air handlers on the rooftop.

7. The evidence presented by the applicant further showed that the applicant attracts a mulitude of 18 wheelers which transport large amounts of furniture and other items from state to state and out-of-state drivers being unfamiliar with the area must readily scope out the building and at the same time must try to avoid dangerous u-turns on this heavily-travelled highway. For this reason, applicants feel that improving the signage will be a positive safety advantage.

8. The evidence presented by the applicant further indicated that applicant's business also furnishes many other types of retail services including record storage for large corporations and banking firms, selling of packing and shipping materials, weighing of large vehicles, just to name a few. For these additional reasons, applicant feels that the proposed sign which identifies a new company name is appropriate for a building of this magnitude.

9. The evidence presented and the Board's familiarity with the area shows that the sign will be located along a major highway, not too far from a busy intersection.

10. The evidence presented further showed that the proposed sign will facilitate ready identification of the applicant's property by passing motorists.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the sign variance requested is not granted due to the fact that this is a well-traveled highway and signs readily identifying the applicant's existing business, as well as the new owner thereof, are required.

2. The proposed variances will not result in substantial detriment to adjoining properties, or change the character of the neighborhood, since the neighboring properties are located in a design shopping (C) zone and the proposed sign merely updates and replaces the existing sign with a somewhat shorter, but higher sign.

3. The proposed request for a sign variance of 300 s.f. is not considered excessive with relation to the large size of the building, set well back and above the road, in a commercial zone, and given the fact that there will be so signs along the roadway.


NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a sign area variance of 300 s.f. as requested above in accordance with plans presented at the public hearing and on file in Building Inspector's Office.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: September 23, 1991


Chairman

August 12, 1991

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PUBLIC HEARING: NEUMETZGER:

Mr. Ron Anderson came before the Board representing this proposal.

BY MR. FENWICK: This is a request for 300 square foot sign area variance for two building wall signs to be located on Liner Road in a OLI zone.

BY MR. FENWICK: Is there anyone here besides the applicant who's interested in this case? I guess not. Okay, thank you.

BY MR. NEUMETZGER: Mr. Donnelly, who lives next door to the building, he wishes us good luck, very nice neighbor.

BY MR. FENWICK: Tell us again for the record what you plan to do.

BY MR. ANDERSON: We have two signs on the front of the building, this sign would be four by forty. This side of the building is 132 foot long. The building sets here about 110 foot above the road level and the front of the building, this will also be a four by forty foot sign. The front of the building is 90 foot long. The Arnoff portion of the sign would be 18 inches above the roof line but on top of the roof we have the air handlers for the air conditioning which are three to five foot above the roof line. On top of that, we feel that we need this for our retail business. We are not just a trucking company, moving company. We do sell products from there. We sell packing materials. We sell services as far as record storage for various business, where we store their business records. We have people that come thereto take goods out of the storage and out of permanent storage. We have packing material. We have distribution accounts where people are coming in to inspect their goods or take inventory out. We have a scale that we do at least 2500 weight per year and this is open to the general public, car or truck or something that has to be weighed, you come there and we weigh it for you. It does require a great deal of visibility with the traffic. If you're coming, as you're going east, you're going east on the road, you don't really get a chance to see the building until you're about 100 feet away from it, as you come up 300. The opposite end, going west on the same

highway, you have the building set up 110 feet off the roadway, but you also have a very large tree that blocks about halfway up and if you don't have something that attracts your attention, prior to that, you'll never be able to make the turn on Liner Road. As we explained the last time, the lighting on it is channel type lighting. It's very definite, very specific as far as the letters. It will not generate glare. The building itself is of a light color and will not generate a reflection of this type of lighting where we have to use flood lights or overhead lights or something like that, that would cast a shadow or develop a very large glare. Mr. Ghee (phonetic) explained to you, the lighting itself is channel lighting and cannot be compared to or referred to as neon type lighting. It's different. It's more of a dull lighting, it's not something flashy. Even the red will not be flashy. It will be on the dull side.

BY MR. FENWICK: Is this smaller, this is smaller than the signs that are there now? Is that correct?

BY MR. ANDERSON: Yes, it is. This sign here, as I remember, it's 72 feet on this side and 60 feet on this side, so it's actually shorter than the signs that we have.

BY MR. FINNEGAN: Are the current signs lit?

BY MR. ANDERSON: No.

BY MR. FINNEGAN: These will be?

BY MR. ANDERSON: These will be just the lettering.

BY MR. FINNEGAN: Building sits on a little knoll, right?

BY MR. ANDERSON: About 110 foot of when you're coming from 17K.

BY MR. FINNEGAN: And except for the tree there aren't any other obstructions?

BY MR. ANDERSON: No.

BY MR. NEUMETZGER: There could be in the future, that property in the Town of Newburgh is owned by Jim

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Patsalos and he has a right to build on there.

BY MR. FINNEGAN: You have trucks that say North American on them and the lot too, that you can also see.

BY MR. ANDERSON: But normally, they wouldn't be parked on that side of the building. Parking for the vehicles --

BY MR. FINNEGAN: Back by the tree.

BY MR. ANDERSON: There might be something there. We were using that space for a period of time when we first assumed the property for loading and so forth while we did the driveway over.

BY MR. NEUMETZGER: I noticed that the pictures don't show the flagpole. We have just rebuilt the flagpole. Probably it's not in the application, put in a small spotlight for the flag which is to be lighted.

BY MR. FINNEGAN: Now the parking lot that's lit, too, right?

BY MR. NEUMETZGER: Yes, that's Central Hudson area lighting.

BY MR. FINNEGAN: For your building though?

BY MR. NEUMETZGER: Yes, we pay for it, yes. Has been since I moved in there in 1969.

BY MR. FINNEGAN: So the whole area is lit up?

BY MR. NEUMETZGER: Yes, it is also fenced in for security reasons.

BY MR. FINNEGAN: Have you any idea from how far away you can see these other signs?

BY MR. PHILIP GHEE: I'd say that the signs are going to be basically judged by --

BY MR. FINNEGAN: Where are you from?

BY MR. GHEE: Phil from Ghee Sign Service. The signs are, would basically be their visual sight would be

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determined by your approach to the building. You should be able to see them as soon as the building is in sight. You should be able to read them.

BY MR. FINNEGAN: I'm just saying across, I'm just wondering if I can see --

BY MR. GHEE: The building is only visible as you come around the corner from both ways.

BY MR. NEUMETZGER: Actually you don't see the building until you get opposite from Flannery's Veterinary Hospital.

BY MR. FINNEGAN: Is this in any way going to involve the airport there?

BY MR. NEUMETZGER: We are not in the flight pattern at all.

BY MR. TORLEY: I was surprised to see how small the signs do appear on the building.

BY MR. ANDERSON: 72 foot long.

BY MR. NEUMETZGER: 1969, I had no money to put up a bigger sign.

BY MR. FINNEGAN: Now you own another building next to it?

BY MR. NEUMETZGER: Yes.

BY MR. FINNEGAN: That has a sign on it?

BY MR. NEUMETZGER: Yes.

BY MR. FINNEGAN: Is it going to say the same thing or --

BY MR. ANDERSON: Just whatever is on there.

BY MR. NEUMETZGER: That building was only put up four years ago. That sign is flat mounted, doesn't protrude.

BY MR. TORLEY: These signs, do they extend above the roof line?

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BY MR. ANDERSON: About 18 inches, just this portion.

BY MR. ARNOFF: This yellow thing are the air handlers and they project five feet here, three feet here and we're talking about 18 inches here. I doubt --

BY MR. FINNEGAN: What does Arnoff, why does Arnoff have to be larger than the other signs?

BY MR. ANDERSON: Because we're selling Arnoff.

BY MR. FINNEGAN: No, no, I mean why does Arnoff have to be above the top of the roof line? Why can't it be even with the other signs?

BY MR. GHEE: When we take into consideration any type of copy, we take a balance and we look at the, say the importance of each block of copy. North American has got a sign to the right, Stewart Liner has got a sign to the left and Arnoff really whenever I treat copy, there's really one theme you only see or read, one faction of a design at one time. If you give all three the same value, it becomes --

BY MR. ANDERSON: You don't see the significance.

BY MR. FINNEGAN: But you need all three signs, but you only want people to focus on one?

BY MR. GHEE: One two catch your eye and you read the second copy.

BY MR. TORLEY: What's the reason the sign is going to continue to --

BY MR. NEUMETZGER: There's windows on the second floor of the building.

BY MR. TORLEY: Run that by me again, you're only going to drop it 18 inches on the second story windows there looks to be quite a space.

BY MR. ANDERSON: This isn't to scale.

BY MR. KONKOL: I know what Jack is after. He's wondering why the sign is sticking up.

BY MR. GHEE: At first I designed it for the width of

the stripes, the stripe is approximately four feet.

BY MR. TORLEY: If you moved them down, it interferes with the windows?

BY MR. ANDERSON: You can see here that's about four foot and see the difference right there, if you come down the 18 inches, you'd be right on top of those windows.

BY MR. ANDERSON: What I found going through the intersection, coming, going west, I guess on Route 300, most people are paying attention to the busy intersection and the traffic right there and the, it isn't until you get about 300 foot from the intersection that you're allowed to sort of look up and realize that you're on top of a building and that was one of the reasons we thought we needed something there to attract their attention.

BY MR. FINNEGAN: That's on the building there, though, nobody can really miss that building, even if --

BY MR. ANDERSON: You have to try sometime going through the intersection.

BY MR. FINNEGAN: I go by there all the time.

BY MR. NEUMETZGER: When I put this building up, this sign was adequate but at that time, Union Avenue was a two lane road. Now, you've got to five lanes.

BY MR. ANDERSON: I don't know what the speed limit is.

BY MR. NEUMETZGER: It says 45 but they are moving better than 45.

BY MR. KONKOL: The troopers are there to pick you up.

BY MR. FINNEGAN: Speed limit itself, it's a wide road.

BY MR. KONKOL: I think one of the things that Jack is concerned about, we discussed it, seems to be a trend for people putting up bigger signs and then the next thing down the road, somebody else says well, I

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need a bigger sign and they are starting to get out of proportion.

BY MR. NUGENT: They are reducing their sign.

BY MR. ARNOFF: I think another point that was brought up before was why do we need the sign and another point that I think that should come out of this meeting is that the people that are coming to our building to buy packing material, to weigh trucks, to take part in other services that we do from distribution to storage, they don't always live right here. They don't always live in New Windsor or in Newburgh. They are not familiar, okay, they are coming on us and we want to bring as much attention to ourselves as we possibly can and I think another question that came up why we wanted to use the name Arnoff. I guess that's because I'm here. That's probably why I want to use the name and it's our dollars that are going to put this program together and Mr. Neumetzger was all in favor of it or we wouldn't have allowed it to happen.

BY MR. ANDERSON: If you consider the number of locations we have starting with Poughkeepsie and Albany and Newburgh, now we have a significant driving force in the moving business and of course, we're also the ninth largest agent in North American Van Lines and recognized by Arnoff, Stewart Liner and Arnoff Moving and Storage. It's really our trademark.

BY TONY MARTINI: You have to also realize that a lot of the traffic that comes in here or tractor trailers and so on, we're talking about 18 wheelers coming in for freight companies or moving companies from other parts of the country and if they go past our building and have to make turns around in other locations, it will be like Steak and Stein's parking lot or Lloyd's, it becomes a significant problem and that's one of the other things. And as far as you say, you go by there all the time, I don't want to tell you how many customers say to me where is that and I tell them near Lloyd's and they are flabbergasted that the place was there and they have gone there 100 times, they weren't looking for a mover, so they never even realized it was there.

BY MR. FINNEGAN: The guys with the tractor trailers,

how many times a day do these --

BY MR. MARTINI: Happens a lot.

BY MR. ANDERSON: There's a problem when you approach even coming west to the intersection there, once you get by that tree, that driver is still going to be watching the road and if you look at the line of the road, it's something less than a driveway where it takes off, you really got to be slowing down, paying attention, and I wouldn't want to be behind the tractor trailer when he realizes he's on top of the road.

BY MR. NEUMETZGER: Our biggest problem is with the drivers that come to pick up the scrap aluminum from Metal Container Companies. They have to weigh every load twice and they are given instructions over the phone by the dispatcher to stop at Arnoff Stewart Liner and get empty weigh and they go by the place all the time and they have to make U-turns on Union Avenue because most of them are from Texas or Tennessee and we have had some close calls.

BY MR. TORLEY: So you feel that the visibility would be a safety thing?

BY MR. ANDERSON: Yes, very definitely.

BY MR. FENWICK: Questions from the members of the Board?

BY MR. TORLEY: Did we ever formally open and close the public hearing?

BY MR. FENWICK: I'm just asking if there's any questions at this time. I'll open it to the public. Do you have any questions? Let the record show there's no one here. At this time I'll close the public hearing. Open it back up to the members of the Board. Any questions, comments? Did the attorney the last time request that you bring a copy of the deed or the title policy?

BY MR. ANDERSON: It's all there.

BY MR. TORLEY: You don't know of any restrictions in the deed or title policy?

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BY MR. ANDERSON: No.

BY MR. NEUMETZGER: When I put up this building, it was GI zoned and the Town changed the zoning.

BY MR. FENWICK: We have a letter back from the County. Basically it says there are no significant intercommunity or countywide concerns to bring to our attention. I don't know whether there's some that are not going to be brought to our attention, but basically they don't care. They are in the west end of the county.

BY MS. BARNHART: I have an affidavit here that says that I mailed out on July 30th 14 addressed envelopes in accordance with the list.

BY MR. FENWICK: I'll entertain a motion to grant this variance.

BY MR. TORLEY: I move we grant the variance.

BY MR. FINNEGAN: I'll second it.

ROLL CALL:

Mr. Torley; Aye.

Mr. Finnegan; Aye.

Mr. Konkol: Aye.

Mr. Tanner: Aye.

Mr. Nugent: Aye.

Mr. Fenwick: Aye.



Louis Helmbeck
County Executive

Rec'd.
26A / FA office 7/30/91

**Department of Planning
& Development**

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

**ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
239 L, M or N Report**

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor D P & D Reference No. NWT 26 91 M
County I.D. No. 4 / 1 / 5.1

Applicant Lothar Neumetzger

Proposed Action: Area Variance - sign area

State, County, Inter-Municipal Basis for 239 Review Within 500' of Rte. 207

Comments: There are no significant inter-community or County-wide concerns to bring
to your attention

Related Reviews and Permits _____

County Action: Local Determination XX Disapproved _____ Approved _____

Approved subject to the following modifications and/or conditions: _____

7/24/91

Date

B. Vincent Hammond
DP&D Commissioner

CLOSING BOOK
Book 1 of 2

ARNOFF MOVING & STORAGE, INC.
-WITH-
LOTHAR NEUMETZGER and BEVERLY NEUMETZGER

1. Stock Purchase Agreement
2. Exhibit "A" - Assets of Corporation
3. Exhibit "B-1" - Lease Agreement
Beverly Neumetzger w/ Stewart-Liner Transportation
Exhibit "B-2" - Lease Agreement
Lothar Neumetzger w/ Stewart-Liner Transportation
Exhibit "B-3" - Lease Agreement
Stewart-Liner Transportation w/ Sandler
Exhibit "B-4" - Addendum to Agreement of Lease
Stewart-Liner Transportation w/ Dennison
Monarch Systems, Inc.
4. Exhibit "C" - Pending or Threatened Litigation
J. Kantor and D. Kantor v. Stewart-Liner
Transportation Corp., etal

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3.03 Absence of Liens. Tenant shall promptly pay all contractors and materialmen hired by Tenant to furnish any labor or materials which may give rise to the filing of a mechanic's lien against the real property and improvements or portion thereof leased by the Tenant. Should any such lien be made or filed, Tenant shall bond against or discharge the same within thirty (30) days after written request by Landlord.

ARTICLE IV - CONDUCT OF BUSINESS BY TENANT

4.01 Use of Leased Premises. It is understood by both parties hereto that the intended use of the Leased Premises is for a warehouse and transportation facility. Tenant's use of the Leased Premises shall be in a reputable and businesslike manner and Tenant shall be in compliance at all times with all applicable zoning laws and ordinances and the orders, rules, regulations and requirements of all federal, state and municipal governments and agencies thereof relating in any way to the Leased Premises or the use, occupancy, operation or maintenance thereof by the Tenant, including, but not limited to the regulations promulgated by the State of New York and United States Federal Government.

ARTICLE V - SIGNS

5.01 Tenant's Obligations. Tenant may place such signs on or about the Leased Premises as it may deem necessary to its business; however, Tenant will not place or suffer to be placed or maintain on any portion of the exterior (including windows) of the Leased Premises any sign, awning, canopy or advertising matter or

other thing of any kind, that is in violation of the local Zoning Ordinance. Tenant agrees to maintain any such sign, awning, canopy, decoration, lettering, advertising matter or other thing as may be approved in good condition and repair at all times and to repaint or replace such signs from time to time when reasonably necessary and to illuminate such signs in accordance with such standards as are specified in the local Zoning Ordinance if illumination of same is required by the local Zoning Ordinance.

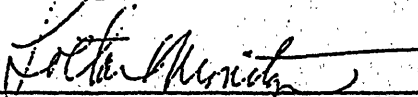
ARTICLE VI - MAINTENANCE AND REPAIR OF LEASED PREMISES

6.01 Obligations of Tenant. Tenant shall at all times keep in good order, condition and repair (which shall include providing replacements where necessary) the entire Leased Premises, including, without limitation, roof, parking and driveway areas, exterior entrances, exterior walls, and foundation, all glass and window moldings, and all partitions, doors, interior walls, and fixtures appurtenant thereto, including lighting, heating and plumbing fixtures, and any air conditioning system situated within the Leased Premises. Said maintenance by Tenant shall include, without limitation, periodic painting as is reasonably necessary. All such repairs and replacements shall be equal in quality and class to the original work or item being repaired or replaced.

6.02 Landlord's Right to Repair and Maintain. If Tenant refuses or neglects to repair and maintain the Leased Premises as provided in Section 6.01 of this Article VI within the prescribed time for curing of defaults under this Lease as specified in Article XIII hereof, after written demand, Landlord may make such

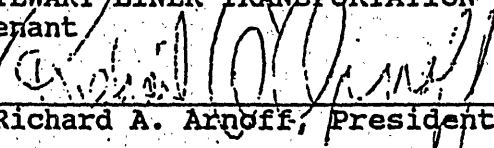
17.11 . Memorandum of Lease. If requested by Tenant,
Landlord will sign and deliver to Tenant for recordation a
Memorandum of Lease summarizing the provisions contained herein.

IN WITNESS WHEREOF, Landlord and Tenant have each duly
executed this Lease the day and year first above written.



LOTHAR NEUMETZGER, Landlord

STEWART LINER TRANSPORTATION CORP.
Tenant

By: 

Richard A. Arnoff, President

ZONING BOARD OF APPEALS
Summer Session
August 12, 1991

AGENDA:

7:30 p.m. - Motion to accept minutes of July 8, 1991/as written. and July 22nd

PRELIMINARY MEETING:

1. SNIDER, ALFRED - Request for 9 ft. side yard variance for existing deck located at 4 Allen Place in an R-4 zone.
2. WILLIAMS, KEITH - Request for interpretation/area variances for construction of one-family residential dwelling on parcel which was formerly designated as a town street. Present: Donald Tracy, Esq.

PUBLIC HEARING:

3. NEUMETZGER/ARNOFF MOVING & STORAGE, INC. - Request for 300 s.f. sign area variance for two (2) building wall signs to be located on Liner Road in an OLI zone. Present: Mr. Ron Anderson.

Granted

FORMAL DECISIONS: (1) FRISCH
(2) CALDOR (BILA PARTNERS)

PAT - 563-4630 (O)
562-7107 (H)

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

In the Matter of Application for Variance of

NEUMETZGER, LOTHAR and ARNOFF MOVING & STORAGE

Applicant.

#91-18

AFFIDAVIT OF
SERVICE
BY MAIL

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On August 30, 1991, I compared the 14 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

*Included on the mailing list was a notice to the Town of Newburgh, and notice to property owners within 500 ft. who own property in the Town of Newburgh per Newburgh Assessor's Office.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
30th day of July, 1991.

Debra A. Green
Notary Public
Orange County
Commission Expires July 15, 1993

(TA DOCDISK#7-030586.AOS)



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

July 23, 1991

#91-181

Arnoff Moving & Storage
682 Dutchess Turnpike
Poughkeepsie, New York 12603

Attn: Ronald T. Anderson, V.P.

Re: 500 ft. Variance List
Tax Map Parcel 4-1-5.1
Stewart Liner/Beverly W. Neumetzger

Dear Mr. Anderson:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$25.00.

Please remit the balance of \$25.00 to the Town Clerk, Town of New Windsor, NY.

Sincerely,

Leslie Cook (signature)

LESLIE COOK
Sole Assessor

LC/cp
Attachments

cc: Pat Barnhart

Patsalos, James Z.
2 River's Edge
Newburgh, NY 12553

Roscino, Joseph & Dominick & Judith
& Talbot, Rose M.
56 Weyants Lane
Newburgh, NY 12550

Neumetzger, Lothar
29 Susan Drive
Newburgh, NY 12550

Nunnally, David K. &
Caccavo-Nunnally, Natalie L.
26 Liner Road
New Windsor, NY 12553

Banta Realty
842 Main Street
Poughkeepsie, NY 12603

City of Newburgh
Newburgh Water Supply
c/o City Comptroller
City Hall
Newburgh, NY 12550

NOTE:

The five hundred (500) foot diameter also includes parcels in the Town of Newburgh.

7-8-91

PRELIMINARY MEETING: ARNOFF

Mr. Ron Anderson came before the Board representing this proposal.

MR. FENWICK: What I am going to ask you to do is give your name, please.

MR. ANDERSON: Ron Anderson, Vice President of Arnoff Moving and Storage. With me is Philip Ghee (phonetic) our Designer and Electrical Engineer for our lighting. Rich Arnoff and Tony Martini, our Corporate Sales Manager. Going back to the sign, some of the information that you asked for, the pictures of the present signage that's on the building. If you look at the pictures, the 5 by 7's and I'll give you some of the smaller ones. The front sign that's on the building is 65 feet long in a space of 90 feet, which is the front portion of the building. The signage that's on the right hand side of the building looking at it, which is the 132 foot width is 70 foot of signage.

MR. FENWICK: We asked for these photographs for a better concept.

MR. ANDERSON: The difficulty that we have with the front of the building when you're coming north on Union Avenue, as soon as you get by the Steak 'N' Stein, you don't see the building until you get about 100 foot from the driveway or the road and by that time, it's almost too late to turn into the road. With the lighting that we had requested, if you move back about 300 feet, you still see the lighting and are able to see the sign. What we're proposing here, some of the, before we get to the proposal, some of the information that you asked us for was what type of activity that we had there and I've tried to work up some of the activity. We sell packing materials, special wood crates that have to meet certain standards for U.P.S. or Federal Express or the special carriers that we ship by them and yearly, last year was about 225 customers. We also have the weigh station where we do about 2571 weighs per year and these weighs are for cars, trucks, trailers, boats, oil tankers, anything that's on the road that uses that public scale. We store

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products for various distributors like Mobil Oil. We store all their equipment, as far as pumps and new installations that they are installing in this area. G. Fox, the new store that's going in this area, we're doing their storage. Stairmaster, which is exercise equipment, Metal Container Corporation and they are always on the property, either doing inventories or some type of special administrative effort. As far as household clients, about yearly about 250 people come into go into the storeage for the purpose of putting something in or taking something out. As far as sales, we do have people that come in to discuss their moves and we act as consultants for their moves and we get about 200 a year on that or yes, 200. We also store business records for various, for banks, schools, hospitals and they either call in and we deliver the records or they come in and pull the records themselves. As far as the present code, we realize that the signage that we're asking for is much larger. The building, which is 90 foot across the front and 132 foot on the side, the present signage in the front is 65 feet in the front and the signage that's on the side presently on the 132 foot side is 70 feet long. That's from the beginning from one letter to the other. We had looked at the possibility of putting flood lights on the building as you recommended and with the color of the building, it would create a very large glare and you really wouldn't see the signage. With overhead lights, we felt that it would cast shadows on the sides of the buildings and on the lettering. I'd like to have Mr. Ghee speak to the lighting that we have in mind.

MR. GHEE: I'm Phil Ghee, Ghee Sign Service and my intention, when I designed the, what we have here for Arnoff Moving and Storage is an internal channel letter, it's a red, red dark color, gives a warm illumination and you'll notice around any corporate, most of the new shopping malls go to the channel letter because it's less --

MR. ANDERSON: Gaudy.

MR. GHEE: Two panels on each side, blue backgrounds, dark color, they transmit a rich translucent kind of a feel. It will be very visible yet they won't have

the impact of a, say a back lit awning or something that would be very white and stark. Judging by the proximity of the building to the road and the amount of traffic and the speed of the traffic, I think it will enhance the property as well as the business, make it very clean, certainly very classy look on the building.

MR. FENWICK: Just tell us again what is going to be lit on the sign? I understand the letters and what else?

MR. GHEE: Just the letters themselves and I have a picture. I grabbed a picture.

MR. FENWICK: Just the letters on Arnoff?

MR. GHEE: Just and the two side panels are going to be back lit. Everything here would be back lit. There'd be nothing flat. It will eliminate the need for any type of exterior lighting. When you get into flourescent or flood lighting, that comes on, it's billboard lighting.. Historically, what we like to do is keep everything self-contained. Well, you can see the trend now, I know with most the new plazas and the malls and stuff like that.

MR. NUGENT: Can I ask a question because I missed the prior meeting? The sign that's going to be up there is exactly what is there now size wise?

MR. ANDERSON: It will be smaller.

MR. NUGENT: But it will be lit?

MR. FENWICK: Yes.

MR. LUCIA: Wasn't the total length of the sign longer?

MR. ANDERSON: Present building itself, the sign that's on the front of the building presently, the existing sign is 65 feet, 70 feet on the side here. We're proposing 40 foot there and 40 foot here.

MR. FENWICK: Is this smaller than what you brought in to us before?

MR. ANDERSON: No, it's smaller.

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MR. TANNER: I was under the impression that it was larger than the sign you had before. I'm talking about the length of the sign.

MR. LUCIA: It's higher.

MR. FENWICK: Any sign that's changed that's existing doesn't make any difference, once they take the sign down, they have lost the variance.

MR. NUGENT: Okay.

MR. TANNER: Seemed to me when we had a discussion about it, about the length of the sign.

MR. FENWICK: They are going to start from ground zero. They are starting out.

MR. NUGENT: How much are they allowed?

MR. FENWICK: Eighty (80) square feet.

MR. LUCIA: And they are proposing 360 total, 380 on the building inspector's denial.

MR. NUGENT: They are reducing the size?

MR. TANNER: Why don't you speak to that?

MR. MARTINI: That might have been my error. When I went in there, when I was talking about the signs and I was looking at the signs, when I had looked up at them, I was thinking about the North American part of the sign, which went from a distance from where it went to where starting from one point to the other, that's when we measured out to 60 feet. But, when I asked, the sign you said to us what's there now and we had not actually gone out and measured it, in our minds eye, that's what we were looking at.

MR. ARNOFF: Another point of information that's important when we originally discussed with the Ghee people from Design and we got together with them, we talked and this may have come out at the last meeting, we talked about making the signs as large, if not larger than what

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was there so we'd project that but we are not doing that because it would be a ridiculous sign. It would cover the literally the whole building. I think it's important because we were instructed that the sign couldn't be higher, project above the top of the building. But, we were careful to show that there's air handlers, they far exceed the top of the sign and they would be hidden by the sign to some degree. We highlighted those in yellow over here.

MR. FENWICK: This is what we are talking about.

MR. GHEE: Yes, it would be a red channel letter. In the back, there's a picture.

MR. TORLEY: One point the word neon came out. I want to make sure there's not any neon.

MR. ARNOFF: My wife would absolutely kill us. An important point that we have, I'd like to bring a point up, my family has owned Arnoff Moving and Storage since 1919. The Newmetzger family and the Arnoffs have been friends, Lou and I graduated from college at the same time. The reason I wasn't at the last meeting, Lou has gone through open heart surgery. He's had the surgery, he's coming home a week from next weekend and he's doing very well, thank God and we wanted to go down to be with him down there while the operation took place. The reason Mr. Newmetzger decided to sell the business but he had no one in the family who was interested. He was in his 60's and he decided that he wanted to get out and we came in and purchased the business but my family has been in this business since 1919. I have two sons in the business with me and I'm the third generation. They are now the fourth and they are very active in the business. We own facilities in Albany, Florida, Connecticut, and Poughkeepsie and each one of the facilities we found signage became very important. I'm sure you can look in your own histories, how many times have you moved in a lifetime, maybe two, maybe one, maybe five. We're the kind of people that we have to get a lot of recognition because when you do get ready to move, we like you to consider us, okay, and that's why signs become such an important situation. Thank you.

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MR. TORLEY: My question is last time about the exposed lighting that's solved with your picture.

MR. NUGENT: I'll make a motion to set him up for a public hearing.

MR. TANNER: I'll second it.

ROLL CALL:

Mr. Torley	Aye
Mr. Konkol	Aye
Mr. Tanner	Aye
Mr. Nugent	Aye
Mr. Fenwick	Aye

MR. FENWICK: I'll ask our attorney to explain to you what was the criteria that's going to be necessary.

MR. LUCIA: When you come back to the public hearing, I would suggest to enter into the record essentially all of the information that Mr. Anderson has in his letter of July 19th, '91 that certainly a good explanation of why you consider it a retail facility. Mr. Arnoff's presentation why signage is important and some more, cite some specific issues in terms of how fast traffic moves by your location and, you know, being 100 foot sight distance why you need a sign this big for ready identification for people going by at x miles an hour are going to go passed it. Basically, just a practical explanation of why it is signage of this size is necessary. If you want to bring in Mr. Ghee or whatever on lighting and how this is the less intrusive way of lighting the sign versus spot or flood lighting, that's a relevant factor also. I appreciate the excerpts from your closing documents. The one thing that I didn't see covered in here maybe you can get from Mr. Newmetzger is some kind of an authorization, whether a formal proxy or something saying please go ahead and apply for the sign on my building.

MR. ARNOFF: Maybe he'll be with us at the public hearing.

MR. LUCIA: If not, a letter is fine.

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MR. ARNOFF: I hope he will be.

MR. LUCIA: I don't need a full copy of the lease but a title report on it. Presumably he got a title report. If you just ask him for a copy of that to present at the public hearing, we'd appreciate it.

MR. TORLEY: Don't make Mr. Newmetzger be here.

MR. LUCIA: Just an informal letter.

MR. ANDERSON: He's coming back to work in two weeks.

STEWART LINER TRANSPORTATION CORP.:

Mr. Tony Martini and Ron Anderson came before the Board representing this proposal.

BY MR. FENWICK: This is a request for sign variance for two wall signs, four by 40 square foot each, totaling 320 square foot to be located at Union Avenue site.

BY MR. MARTINI: This is the Stewart Liner building over on Union Avenue and these are the signs that we are proposing. What was told to us on the phone was that they were too large and we are worried about the extension over the roof line, which is 18 inches over the roof line. It comes to 18 inches over the roof line but we do have air handlers that are on the roof, the main one is five foot and the two on the other side are three foot high over the line of the roof. Building is 132 foot long and these three parts of the sign are 10, 20 and 10. The middle part being Arnoff which is the 20 foot where the letters in question are going over the roof line, the 18 inches, as far as I understand, were in question. It's the building on the other side, 92 feet long, and again, the same dimensions on the sign and what we are looking to do, I don't believe that the signs should be a problem with the 18 inches because we do have, like I say, the air handlers on the top. We had no other guidelines to go by.

BY MR. FENWICK: The total sign that we're looking at right now from end to end is 40 feet?

BY MR. MARTINI: 40 feet, it's ten where you see Stewart Liner, 20 where it's Arnoff and 20 and only four foot high, except where it's six foot where the Arnoff is, makes the 18 inches over the roof line. It's not exactly six foot, it's five foot, it goes 18 inches over. And we weren't given any other guidelines as to whether it was too large in length or whatever. I don't think --

BY MR. LUCIA: I believe 80 square foot is maximum allowable. Is that your reading of the code?

BY MR. MARTINI: I'll be very honest with you. I don't know.

BY MR. LUCIA: Provides five percent of the wall area

but no more than 80 square foot.

BY MR. FENWICK: Per wall or total?

BY MR. LUCIA: Apparently, total. Mike isn't here, he's the better one to give you the answer. That would be my quick analysis.

BY MR. FENWICK: 40 by four but in the middle he's five. Has somebody taken into account the total?

BY MR. LUCIA: In writing up your notice of disapproval, took two signs at four by 40 for a total of 320 square feet. I think that fails to account for your 18 inch rise in the center, so you're really looking for 320 square foot in sign area.

BY MR. FENWICK: The center section is 20 feet.

BY MR. MARTINI: 20 foot long.

BY MR. FENWICK: Just where it says Arnoff's, that's the only part that sticks a foot and a half up?

BY MR. MARTINI: That's correct.

BY MR. FENWICK: So it's additional 30 square feet, so it's 60 square feet, 60 plus the 20 is 80. Does everybody understand that? He's allowed 80, so we're looking at a 300 square foot variance.

BY MR. TORLEY: Four by ten is 40, four by ten, 80 square feet, six by 20 is 120 square feet.

BY MR. FENWICK: It's four by 40, without the riser above four by 40, is 160 square feet, correct, and the 20 foot in the middle is only a foot and a half high which would be another 30 square feet per sign.

BY MR. LUCIA: I'm reading six rather than five and a half. That's still way above 80 square feet.

BY MR. FENWICK: Should proposed or available proposed is 380 square feet, right, then the variance request would be for 300 square feet, correct?

BY MR. LUCIA: That's correct.

BY MR. TORLEY: That's five and a half foot taller, not six feet.

BY MR. ANDERSON: How high is the building, 30 feet?

BY MR. MARTINI: Thirty feet high.

BY MR. FENWICK: The concern that comes up to this Board is the sign on the face of the building because it's not freestanding or anything like that, so I don't think -- I don't think it's been approached.

BY MR. MARTINI: There are signs there now. I mean, I don't know now what transpired. They are not that much bigger than the signs there now, but I don't know if that had been a problem in the past or not.

BY MR. FENWICK: They probably weren't legal but --

BY MS. BARNHART: They didn't get approval.

BY MR. FENWICK: What they are doing now, if you change the sign, no matter what the new sign is will be brought into the -- the old signs won't be part of a grandfather clause or anything like that. You're starting from square one with the new sign.

BY MR. MARTINI: Understand.

BY MR. LUCIA: If you would explain to the Board the lighting and the some neon on this also?

BY MR. MARTINI: Yes, this is the, what the light is going to be on the signs. They are going to have the North American will be lit ~~neon~~ *fluorescent*. Behind it, so that they'll stand out.

BY MR. FENWICK: Can you tell us why you need a sign this large?

BY MR. MARTINI: You know where the building is sitting on the top of the hill. I don't know if any of you have been by where the rental sign building is now and you remember the Beckwith sign, how it was lost in the building that was a four by eight sign and it was just lost on that building. So just a four by eight sign almost appears like it's not there. So, basically, what we did is extend it to go to the length of the sign, which is 40 foot, two four by eight signs on either side of the Arnoff and the fact that we are new to the community, Stewart Liner has been there a long time. We want the Arnoff name

to present itself.

BY MR. TORLEY: Does he have any signs on the road for the driveway or anything like that?

BY MR. MARTINI: No.

BY MR. FINNEGAN: This is not a retail operation.

BY MR. MARTINI: No, it's a moving and storage.

BY MR. FINNEGAN: People just don't drive in, they're coming there because they know right where they are going.

BY MR. MARTINI: That's right because basically we're using the sign to let people know we are in the community. One of the things you see, but you don't remember until you need a mover.

BY MR. FENWICK: The owner of the premises are the Newmetzgers (phonetic), do you have a letter that in other words, the variance is basically applied in their name or we need a letter that gives you the right to represent them.

BY MR. ANDERSON: We have a contract with them, purchase contract.

BY MR. LUCIA: What I think the Board would like is basically a proxy from the Newmetzgers giving you the authority to apply for the variance.

BY MR. MARTINI: Mr. Newmetzger was going to be here but he's in Florida having open heart surgery. Given the fact he was going to be here up until Saturday.

BY MR. ANDERSON: We can supply the letter.

BY MR. FENWICK: Yes, please do.

BY MR. TORLEY: I didn't see any plans for distance off the road for the building. There's a little sketch plan.

BY MR. FENWICK: I don't know whether it comes into play or not.

BY MR. TORLEY: As far as the need for the sign, if he's right on the road, if he's a half mile back, it

will make a difference, depends on the road.

BY MR. FINNEGAN: It's not a retail.

BY MR. TANNER: He's quite a bit back.

BY MR. LUCIA: Are the existing signs on both building faces now?

BY MR. ANDERSON: Yes, they are, same location, just going to replace them.

BY MR. LUCIA: What's the size of the existing signs now?

BY MR. ANDERSON: I'm guessing, probably 25 feet long, something like that. I know the one on, well on this side, don't remember the other.

BY MR. MARTINI: Coming up from Lloyd's, you see the sign.

BY MR. FINNEGAN: The existing signs, they are not lit, are they?

BY MR. MARTINI: No.

BY MR. LUCIA: 25 by approximately what?

BY MR. ANDERSON: Four foot, at least four foot.

BY MR. TORLEY: So these are quite a bit larger?

BY MR. MARTINI: It's 15 feet longer, basically, because we wanted to keep the Stewart Liner name on the building. If you start getting smaller than the eight foot, I mean it just doesn't stand out at all from the road. You try and look and see what it is, it's like it's not there.

BY MR. FENWICK: Are you Mr. Arnoff?

BY MR. ANDERSON: No, I'm Ron Anderson. I'm one of the vice presidents.

BY MR. FENWICK: You said you're in contract to buy this?

BY MR. ANDERSON: Yes, we are.

BY MR. FENWICK: Any other questions from the members of the Board?

BY MR. LUCIA: If you would, when you come back, I'd like to see a copy of your contract of sale which will have a deed description. If it doesn't, I'd like to see Newmetzger's deed description and a copy of your title report also.

BY MR. FENWICK: We'd like to have the photographs of the existing building so that we can best take a look at it, probably up close so we can see better than probably back by the road.

BY MR. MARTINI: Where Rizzo's is, the transmission place?

BY MR. FENWICK: Probably not that far, give us a good reason why you're doing this.

BY MR. MARTINI: Anything else you'd like?

BY MR. FENWICK: We're going to change this and I'd like you to initial it.

BY MR. LUCIA: Do the members of the Board have any concerns about the size of this?

BY MR. FINNEGAN: I do.

BY MR. TORLEY: I do.

BY MR. FINNEGAN: I just feel right now it's a very, very large sign, it's not a retail type of establishment. It's basically a person is basically going to the business because they probably called it, whatever, but they know about where the location is. So you kind of need a sign to find where the building is exactly. So, I really feel that it's the sign that's much larger than is required for this type of establishment, plus the lighting gives me some concerns in that particular area. I'm not really concerned about the storage but the amount of light this sign ought to be giving off as proposed is going to cause noticeable and I don't think everybody has to be subjected to a sign like that.

BY MR. TORLEY: I share his concerns, particularly you're talking if I, if you handed around the lighting thing, it's 30 amp circuits, that's an awful

lot of light. You're permitted a smaller sign on the road or by the road where the driveway is.

BY MR. MARTINI: Our driveway isn't what -- they call it Liner Road goes back, you couldn't put a sign without hindering people coming in and out.

BY MR. TORLEY: You know the sign ordinance does need reworking. This is a huge variance for that and you don't have a casual drop in clientele that you have to catch. When you drive by, they're looking for your particular facility. That's awfully large sign. I'm not concerned about the 18 inches over the roof line. That's essentially trivial.

BY MR. MARTINI: What would you talk about making you happy?

BY MR. TORLEY: Something smaller, kind of obvious but --

BY MR. MARTINI: I understand that, just trying to keep in mind that the site, the lighting or the size, what's the biggest concern?

BY MR. TORLEY: Maybe both.

BY MR. TANNER: I don't know if the lighting is really a problem because there must be at least 12 poles on that property that has, that lights up the whole property presently.

BY MR. TORLEY: Why do you need lights on the sign?

BY MR. TANNER: I don't know what's on that side.

BY MR. MARTINI: That's for security lights.

BY MR. TANNER: They are probably 20, 25 feet high.

BY MR. FINNEGAN: Those are white lights as opposed to various color neons you'll be using here. That's sort of a difference. I think it would be quite visible in the surrounding area, whether or not you want to see Arnoff or not, you really wouldn't have a choice going down the road and I really don't like that concept going down the road and being faced with a huge neon light sign.

BY MR. TANNER: Which part of this is being lit

again?

BY MR. MARTINI: The two ends.

BY MR. TANNER: Not the Arnoff?

BY MR. MARTINI: Not the Arnoff.

BY MR. TORLEY: Just illuminating the side of the building wouldn't suffice?

BY MR. TANNER: Back light also.

BY MR. MARTINI: Yes.

BY MR. TANNER: Plastic cover with back light.

BY MR. MARTINI: Yes, yes.

BY MR. TORLEY: There is nothing in the code that prevents an unlit sign from being illuminated by a flood on the ground lighting up the whole side of the building.

BY MR. TANNER: Or even off the top of the roof.

BY MR. MARTINI: Let me ask you a question. Does that change your concept of being faced with a Stewart Liner, North American as you come down the line?

BY MR. FENWICK: This is fluorescent light. This is nothing, four ten foot tubes per side, it's nothing.

BY MR. FINNEGAN: Red is somewhat visible at night.

BY MR. FENWICK: It's not going to light the Arnoff sign.

BY MR. TORLEY: I believe you said neon.

BY MR. MARTINI: Fluorescent. I might have said that in error.

BY MR. LUCIA: The diagram shows on the Arnoff red channel letters, neon. Is that changed?

BY MR. MARTINI: I thought that was changed.

BY MR. TANNER: It was changed, yes.

BY MR. MARTINI: Since that was done.

BY MR. TORLEY: That's where we got it. Would you care to initial such changes on that as well?

BY MR. MARTINI: Yes.

BY MR. LUCIA: Blue dot on the Arnoff, that doesn't say that it was lighted, presumably none of that is lighted?

BY MR. MARTINI: No, none of the Arnoff.

BY MR. LUCIA: We're going to have to get you to initial the changes here anyway.

BY MR. MARTINI: Fine.

BY MR. TORLEY: In order to get an area variance, you have to convince us of some economic hardship, some way that you can't deal with a smaller sign that fits within the code and still meets your economic needs. I want your business to be a success. If you have got an 80 foot square sign allowable, you're asking for 400 square foot.

BY MR. MARTINI: On a 30 foot building, it's 132 foot long. The 80 would just be nothing and --

BY MR. TORLEY: What's wrong with putting a sign on the road?

BY MR. MARTINI: Now where this road is, we're down the hill.

BY MR. ANDERSON: We're probably 70 foot up from the road level on this side here. When you go down the bank, it's got to be at least 70 foot down the road level.

BY MR. TORLEY: Not a large pole but a sign by the road saying Arnoff is down here.

BY MR. FENWICK: Do they own that?

BY MR. ANDERSON: No, we don't. It's the state. We mow it but it's the state, someplace about maybe 30 foot in front of that building, 20 foot we own and then it dips down towards Route 300.

BY MR. TANNER: I'd rather see it on the building. I think we have got enough signs along the road.

BY MR. MARTINI: I think it's neater looking on the building and it doesn't take away from the area. You have to be looking up at the building to see the Arnoff sign.

BY MR. TORLEY: You need it on both faces?

BY MR. ANDERSON: If you put it on one side, the other side is facing the other way coming from Union Avenue. If you put it on one side, you wouldn't see it. This is coming from Lloyd's, this is coming from Steak and Stein.

BY MR. FENWICK: Any way you can make this work with the size of the sign that's there now, not using that sign, but the size of --

BY MR. MARTINI: 25 feet you're talking about.

BY MR. FENWICK: You're talking about let's say in excess of 15, this is 15 foot longer than that.

BY MR. MARTINI: Basically, we have taken the Arnoff which is 20 foot and basically we have put the Arnoff into this area where the signs are. In between is what we have done. Cut down the size of the stretched out, they wrote North American out in large letters on the sign. Now the way it is, we took that out.

BY MR. ANDERSON: I don't know what really constitutes retail business but we do sell supplies, as far as packaging material. We do some packaging on site for people that come in like that and other services.

BY MR. TORLEY: So you have a need for drop in type business?

BY MR. MARTINI: We do have also drivers from all different kinds of companies from General Electric, IBM pickups and all the freight companies. Those people have --

BY MR. ANDERSON: And we have a scale on site that we service weights for anybody over the road.

BY MR. FENWICK: Anything else?

BY MR. TORLEY: No.

BY MR. FINNEGAN: No.

BY MR. TANNER: No.

BY MR. LUCIA: You have an absolute right to apply for a variance on the size sign you're seeking. I think you have heard, you know, the collective conscience of the Board members that they maybe have some difficulty with the size of it and the lighting. If you choose to let your application stand with the amendments we have discussed, you certainly have a right to come in for public hearing. If you instead want to ameliorate some of those concerns by the Board members and reduce the size or maybe cut back lighting or you're welcome to do that, that really has to be your decision at this point.

BY MR. ANDERSON: Can we let it stand the way it is and come back?

BY MR. LUCIA: You certainly have a right.

BY MR. ANDERSON: When is your next Board meeting?

BY MR. LUCIA: What would next be in order would be a motion to set you up for a public hearing and you'll get an application form. When that's returned to Pat, who's the secretary, then you'd be put on the agenda for a public hearing, if the Board adopts a motion.

BY MR. MARTINI: What we'd like to do is take into consideration your concerns and take it back to Mr. Arnoff and if we can alleviate rather than go for a public hearing, rather make sure that your desires are met, if we can.

BY MR. LUCIA: Sounds fine, thank you.

BY MR. ANDERSON: And we'll get you a copy of the contract and also have a letter of authorization and we'll have pictures.

BY MR. FENWICK: We're not going to set you up for a public hearing at this time.

BY MR. MARTINI: Can we be put on the agenda for the next meeting?

BY MR. FENWICK: What do we have going?

BY MR. LUCIA: July 15th is the next meeting.

BY MR. ANDERSON: We can plan on being here on the 15th?

BY MR. LUCIA: I'm sorry, July 8th.

BY MS. BARNHART: July 8th is the next meeting.

BY MR. ANDERSON: We're going to re-apply.

BY MS. BARNHART: We need an amended notice of denial.

BY MR. FENWICK: Between now and then get to the building inspector.

BY MR. LUCIA: And when you make up your minds on exactly what it is you want to apply for, call the building inspector's office and he'll have to do a new notice of denial and you may want to revise the sketch if you change sizes.

BY MR. FENWICK: We definitely need that done prior to the 8th, not the day of the 8th, okay?

BY MR. MARTINI: We'll get that done. Thank you very much.

BY MR. FENWICK: Can we have a motion to table this?

BY MR. TANNER: So move.

BY MR. TORLEY: I'll second it.

ROLL CALL:

Torley: Aye.

Finnegan: Aye.

FENWICK: Aye.

TANNER: Aye.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

91-18

Date: 07/12/91

I. Applicant Information:

- (a) LOTHAR NEUMETZGER, Susan Drive, Newburgh, N. Y. 12550 x
(Name, address and phone of Applicant) (Owner)
- (b) ARNOFF MOVING & STORAGE, INC., 682 Dutchess Tpk., Poughkeepsie, N.Y. 12603
(Name, address and phone of purchaser or lessee)
- (c) -
(Name, address and phone of attorney)
- (d) -
(Name, address and phone of broker)

II. Application type:

- ☐ Use Variance ☒ Sign Variance
- ☐ Area Variance ☐ Interpretation

III. Property Information:

- (a) C Liner Rd. (a/k/a Square Hill Rd.) 4-1-5.1 1.9 acres +
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? C - design shopping
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 2/19/70
- (e) Has property been subdivided previously? No When? -
- (f) Has property been subject of variance or special permit previously? Yes When? 11/14/83
- (g) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? n/a
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: n/a

IV. Use Variance: n/a

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____
- _____
- _____
- _____

- (b) N/A. The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance: N/A.

- (a) Area variance requested from New Windsor Zoning Local Law, Section , Table of Regs., Col. .

Requirements	Proposed or Available	Variance Request
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd.		
Reqd. Side Yd.	/	/
Reqd. Rear Yd.		
Reqd. Street Frontage*		
Max. Bldg. Hgt.		
Min. Floor Area*		
Dev. Coverage*	%	%
Floor Area Ratio**		

* Residential Districts only

** Non-residential districts only

- (b) N/A. The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application.

VI. ✓ Sign Variance: ✓

- (a) Variance requested from New Windsor Zoning Local Law, Section 48-18, Table of use/bulk Regs., Col. N.

Supp. Sign Regs.	Requirements	Proposed or Available	Variance Request
Sign 1	40 s.f.	190 s.f.	150 s.f.
Sign 2	40 s.f.	190 s.f.	150 s.f.
Sign 3			
Sign 4			
Sign 5			
Total	80 sq.ft.	380 sq.ft.	300 sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

Stewart Liner have been operating at this location since 1984.

The property will be leased with an option to buy by co-applicant in the very near future. The Stewart Liner now-existing sign will

be removed and replaced by a new sign which depicts the accented Arnoff name, while retaining the Stewart Liner/North American

name at the sides. Total sign length is 40 ft., plus 2 - 4x8 signs

(continued on page 3A)

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

Total area of two (2) new building signs will be 380 s.f. All of the existing signs will be removed and replaced with new sign..

VII. Interpretation: n/a

- (a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

- (b) Describe in detail the proposal before the Board:

VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

See page 3A attached for details.

IX. Attachments required:

- ☒ Copy of letter of referral from Bldg./Zoning Inspector.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ☒ Copy(ies) of sign(s) with dimensions.
- ☒ Check in the amount of \$50.00 payable to TOWN OF NEW WINDSOR.
- ☒ Photos of existing premises which show all present signs and landscaping.

on either side of the Arnoff name. Each of the building signs will be located so that they will face the roadway and may be viewed by both lanes of traffic proceeding along Union Avenue (Rt. 300), in each direction. There is some difficulty with the angle of the front of the building in conjunction with the placement of the signs. When traveling north on Union Avenue, you do not see the building until you are 100 ft. away from the driveway on Liner Road. There are no signs proposed to be placed on the roadway.

Applicant sells all types of packing material and special wood crates for client moves and also for UPS, Federal Express and other special carriers.

This location serves as a weigh station (commercial scale) for over-the-road carriers and for local use for both cars, boats, trailers, etc.

Applicant stores various products at this location for a variety of distributors which requires that they deliver or pick up their products or perform administrative duties.

Applicant also stores household goods for permanent storage at this location. Clients must have access to their goods.

Applicant is also in the business of counseling prospective clients regarding their move.

Business records are stored on the premises for various firms both local and out of town. Files may be accessed by these clients at various times.

Applicant's building sits approximately 110 ft. above the road level which requires that a prospective client must be aware of the facility shortly after passing through the intersection and proceeding south on Route 300. The traffic heading in a northbound direction on Route 300 and proceeding past Applicant's building, the visibility is less than 100 ft. before the left hand turn on to Liner Road. Considering that most of the passing traffic is traveling at approximately 45 mph, a sign of 80 s.f. is easily missed by prospective customers and clients who are searching for a service such as the Applicant provides.

With regard to lighting, Applicant feels that channel lighting is the most appropriate for this type of sign considering the physical location and the road visibility.

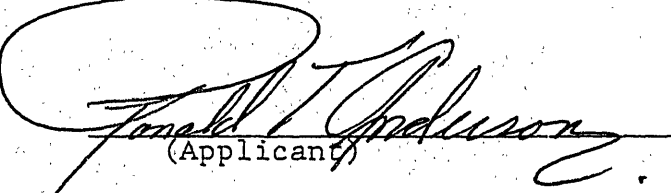
In view of the rather significant amount of yearly activity and the physical location of the building, Applicant feels that the type of identification as proposed is essential and ask that the Board give consideration to Applicant's request.

X. AFFIDAVIT

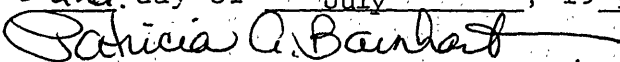
Date July 12, 1991

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.


(Applicant)

Sworn to before me this

2nd day of July, 19 91.


PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1991.

XI. ZBA Action:

- (a) Public Hearing date _____.
- (b) Variance is _____.
- Special Permit is _____.
- (c) Conditions and safeguards: _____
- _____
- _____
- _____

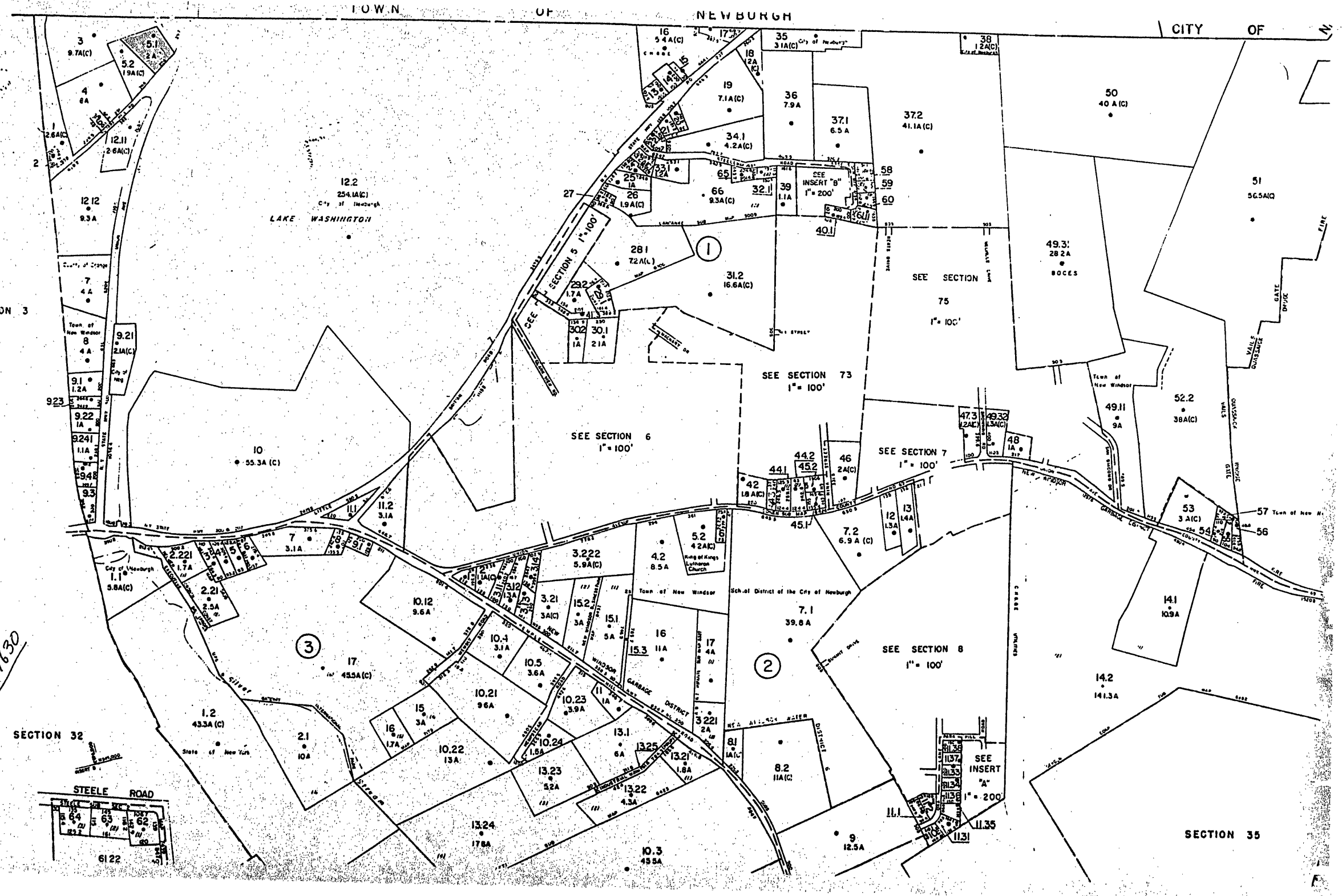
A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.

Town of New Windsor
Sec. 4-
Blk-1-
Lot 5.1-

Owner:
Lorhan
Neumetzer

Lisa:
115. Call
Pat Bankart

503-4630



OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

Prelim.
June 24, 1991.

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 5-8-91

APPLICANT: Penoff Moving & Storage (owner) / Former Stewart Lines,
682 Dutchess Tpke.
Poughkeepsie N.Y. 12603

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED May 7, 1991
FOR (BUILDING PERMIT)

LOCATED AT Union Ave Former Stewart Lines
ZONE

DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 1 LOT: 5-1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Signs are too large for permitted use

Phyllis Lisi
BUILDING INSPECTOR

<u>PERMITTED</u>	<u>PROPOSED OR AVAILABLE</u>	<u>VARIANCE REQUEST</u>
ZONE <u>OL1</u>	USE <u>(B) Special Permit</u>	
SIGN		
FREE STANDING		
HEIGHT		
WALL SIGNS <u>13' 4" 44' 1"</u>	<u>Set by</u>	<u>2 2 1/2' 20' 1' 0' 1'</u>

116011 Moving Storage Stewart Line,
602 Dutcher's 10th.
Rough Keepse N.Y. 12603

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED May 7, 1991

FOR (BUILDING PERMIT)

LOCATED AT

Union Ave ^{Former} Stewart Line

ZONE

DESCRIPTION OF EXISTING SITE: SEC: 4 BLOCK: 1 LOT: 5.1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Signs are too large for Permitted Use.

Grant Lisi
BUILDING INSPECTOR

PERMITTED

PROPOSED OR
AVAILABLE

VARIANCE
REQUEST

ZONE

OL1

USE

(13) Special Permit

SIGN

FREE STANDING

HEIGHT

WALL SIGNS

(2) 4' x 40' ^{Set By} Z.B.A.
40

TOTAL ALL SIGNS

~~320~~ 3808'

300 sq'

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT:
(914-565-8550) TO MAKE AN APPOINTMENT WITH THE ZONING BOARD
OF APPEALS.

CC: Z.B.A., APPLICANT, B.P. FILE

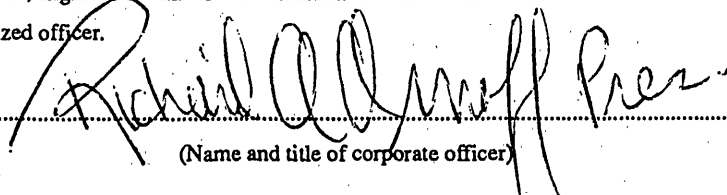
IMPORTANT
REQUIRED INSPECTIONS OF CONSTRUCTION - YOU MUST CALL FOR THESE

OTHER INSPECTIONS WILL BE MADE IN MOST CASES, BUT THOSE LISTED BELOW MUST BE MADE OR CERTIFICATE OF OCCUPANCY MAY BE WITHHELD. DO NOT MISTAKE AN UNSCHEDULED INSPECTION FOR ONE OF THOSE LISTED BELOW. UNLESS AN INSPECTION REPORT IS LEFT ON THE JOB INDICATING APPROVAL OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1- WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
- 2- FOUNDATION INSPECTION - CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
- 3- INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
- 4- WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5- INSULATION.
- 6- PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
- 7- DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
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- 14- ALL BUILDING PERMITS WILL NEED A CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A \$15.00 FEE FOR THIS.

Name of Owner of Premises..... Lothar & Beverly Neumetzger
Address 29 Susan Dr., Balmville, Newburgh, N.Y. 12550 914-561-0550
Name of Architect
Address Phone.....
Name of Contractor
Address Phone.....
State whether applicant is owner, lessee, agent, architect, engineer or builder..... Lessee
If applicant is a corporation, signature of duly authorized officer.


(Name and title of corporate officer)

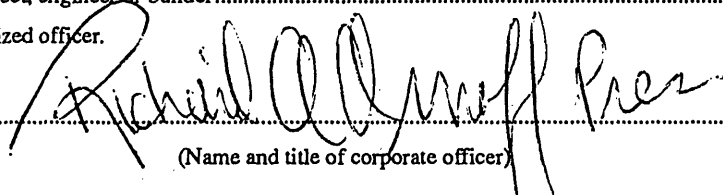
1. On what street is property located? On the W. side of Route 300 (Union Ave.)
(N.S.E. or W.)
and feet from the intersection of
2. Zone or use district in which premises are situated. Is property in a flood zone? Yes No
4
3. Tax Map description of property: Section Block Lot 5.1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
a. Existing use and occupancy..... Storage b. Intended use and occupancy Same
5. Nature of work (check which applicable): New Building Addition Sign Alteration Repair
Removal Demolition Other
6. Size of lot: Front Rear Depth Front Yard Rear Yard Side Yard
Is this a corner lot?
7. Dimensions of entire new construction: Front Rear Depth Height Number of stories

IF YOU STOP ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

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6. Size of lot: Front Rear Depth Front Yard Rear Yard Side Yard
Is this a corner lot?
7. Dimensions of entire new construction: Front Rear Depth Height Number of stories
8. If dwelling, number of dwelling units Number of dwelling units on each floor
Number of bedrooms Baths Toilets
Heating Plant: Gas Oil Electric/Hot Air Hot Water
If Garage, number of cars
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
.....
10. Estimated cost..... Fee.....

(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —

Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

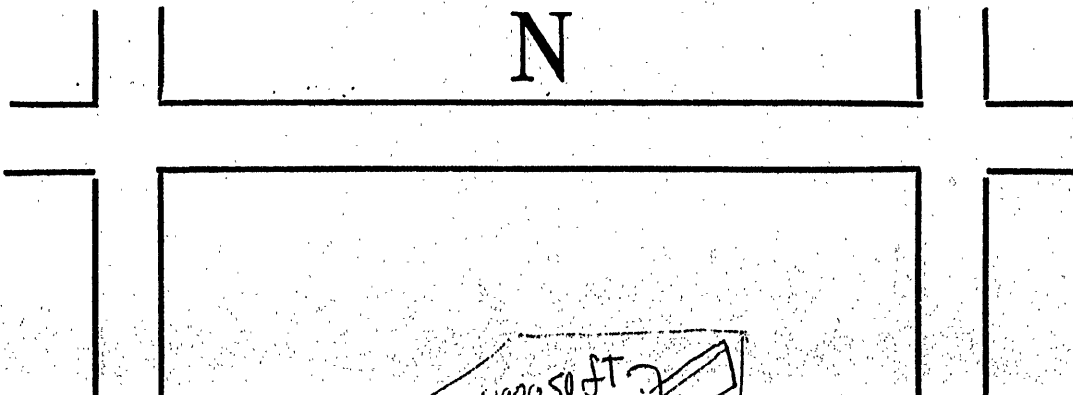
(Signature of Applicant)

Stewart Liner Transportation Corp., P.O.Box 2718
Newburgh, N.Y. 12550 (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer —
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 Highway.....
 Sewer.....
 Water.....
 Zoning Board of Appeals

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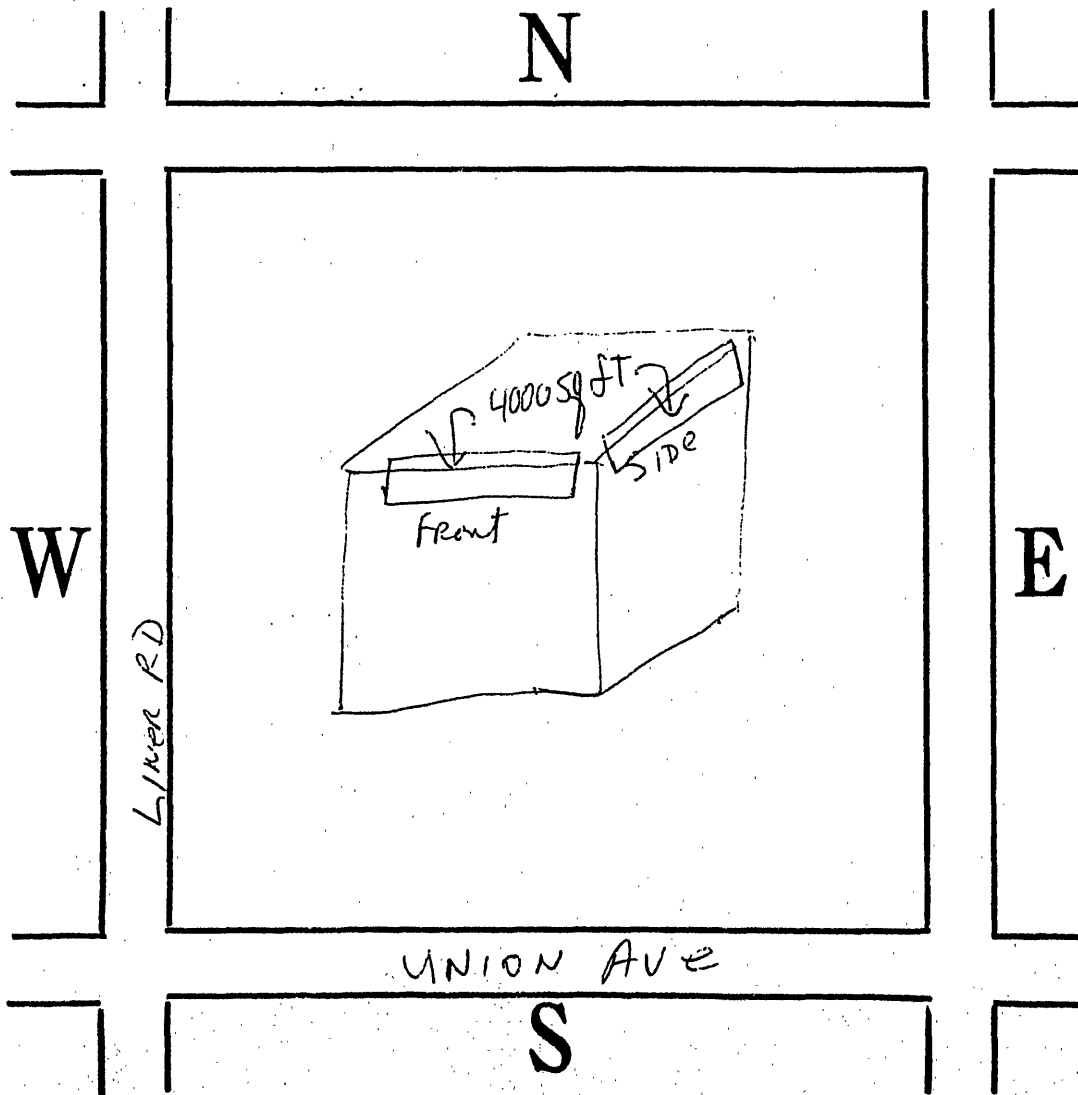
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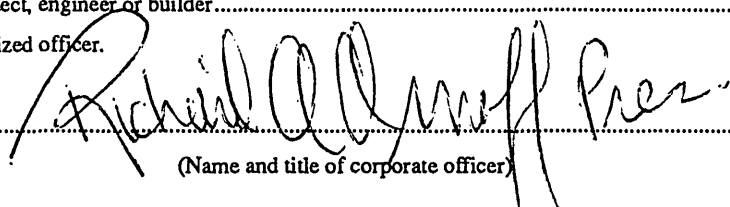
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Address..... Phone.....
Name of Contractor
Address..... Phone.....
State whether applicant is owner, lessee, agent, architect, engineer or builder..... Lessee
If applicant is a corporation, signature of duly authorized officer.


(Name and title of corporate officer)

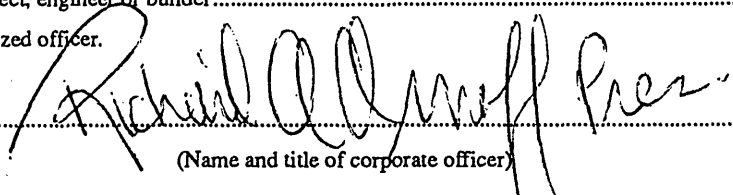
1. On what street is property located? On the W. side of Route 300 (Union Ave.)
(N.S.E. or W.)
and feet from the intersection of
2. Zone or use district in which premises are situated. Is property in a flood zone? Yes No
3. Tax Map description of property: Section..... 4 Block Lot..... 5.1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
a. Existing use and occupancy..... Storage b. Intended use and occupancy Same
5. Nature of work (check which applicable): New Building Addition Sign Alteration Repair
Removal Demolition Other
6. Size of lot: Front Rear Depth..... Front Yard..... Rear Yard..... Side Yard.....
Is this a corner lot?.....
7. Dimensions of entire new construction: Front Rear Depth..... Height..... Number of stories
8. If dwelling, number of dwelling units Number of dwelling units on each floor

IF ANY PART OF ONE OF THESE INSPECTIONS, IT HAS NOT BEEN APPROVED, AND IT IS IMPROPER TO CONTINUE BEYOND THAT POINT IN THE WORK. ANY DISAPPROVED WORK MUST BE REINSPECTED AFTER CORRECTION.

CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1- WHEN EXCAVATING IS COMPLETE AND FOOTING FORMS ARE IN PLACE (BEFORE POURING).
- 2- FOUNDATION INSPECTION - CHECK HERE FOR WATERPROOFING AND FOOTING DRAINS.
- 3- INSPECT GRAVEL BASE UNDER CONCRETE FLOORS, AND UNDERSLAB PLUMBING.
- 4- WHEN FRAMING IS COMPLETED, AND BEFORE IT IS COVERED FROM INSIDE, AND PLUMBING ROUGH-IN.
- 5- INSULATION.
- 6- PLUMBING FINAL & FINAL. HAVE ON HAND ELECTRICAL INSPECTION DATA PER THE BOARD OF FIRE UNDERWRITERS, AND FINAL CERTIFIED PLOT PLAN. BUILDING IS TO BE COMPLETE AT THIS TIME. WELL WATER TEST REQUIRED AND ENGINEERS CERTIFICATION LETTER FOR SEPTIC SYSTEM REQUIRED.
- 7- DRIVEWAY INSPECTION MUST MEET APPROVAL OF TOWN HIGHWAY INSPECTOR. A DRIVEWAY BOND MAY BE REQUIRED.
- 8- \$20.00 CHARGE FOR ANY SITE THAT CALLS FOR THE SAME INSPECTION TWICE.
- 9- PERMIT NUMBER MUST BE CALLED IN WITH EACH INSPECTION.
- 10- THERE WILL BE NO INSPECTIONS UNLESS YELLOW PERMIT CARD IS POSTED.
- 11- SEWER PERMITS MUST BE OBTAINED ALONG WITH BUILDING PERMITS FOR NEW HOUSES.
- 12- SEPTIC PERMIT MUST BE SUBMITTED WITH ENGINEER'S DRAWING & PERC TEST.
- 13- ROAD OPENING PERMITS MUST BE OBTAINED FROM TOWN CLERK'S OFFICE.
- 14- ALL BUILDING PERMITS WILL NEED A CERTIFICATE OF OCCUPANCY OR A CERTIFICATE OF COMPLIANCE AND THERE IS A \$15.00 FEE FOR THIS.

Name of Owner of Premises..... Lothar & Beverly Neumetzger
Address..... 29 Susan Dr., Balmville, Newburgh, N.Y. 12550 Phone..... 914-561-0550
Name of Architect
Address..... Phone.....
Name of Contractor
Address..... Phone.....
State whether applicant is owner, lessee, agent, architect, engineer or builder..... Lessee
If applicant is a corporation, signature of duly authorized officer.....


(Name and title of corporate officer)

1. On what street is property located? On the W. side of Route 300 (Union Ave.)
(N.S.E. or W.)
and feet from the intersection of
2. Zone or use district in which premises are situated. Is property in a flood zone? Yes No
4
3. Tax Map description of property: Section Block Lot 5.1
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction:
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5. Nature of work (check which applicable): New Building Addition Sign Alteration Repair
Removal Demolition Other
6. Size of lot: Front Rear Depth Front Yard Rear Yard Side Yard
Is this a corner lot?
7. Dimensions of entire new construction: Front Rear Depth Height Number of stories
8. If dwelling, number of dwelling units Number of dwelling units on each floor
Number of bedrooms Baths Toilets
Heating Plant: Gas Oil Electric/Hot Air Hot Water
If Garage, number of cars
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use.....
10. Estimated cost..... Fee.....

(to be paid on filing this application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

Examined.....19.....
Approved.....19.....
Disapproved a/c.....
Permit No.

Office Of Building Inspector
Michael L. Babcock
Town Hall, 555 Union Avenue
New Windsor, New York 12550
Telephone 565-8807

Refer —
Planning Board.....
Highway.....
Sewer.....
Water.....
Zoning Board of Appeals

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

Date.....19.....

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

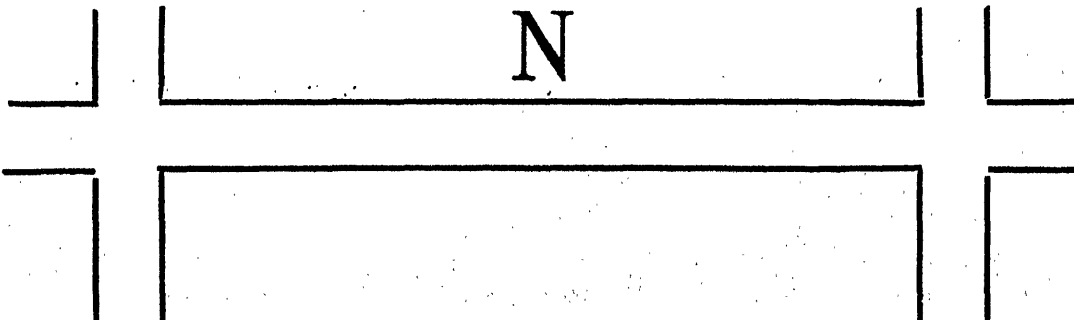
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions or alterations, or for removal or demolition or use of property, as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

Stewart Liner Transportation Corp., P.O.Box 2718
Newburgh, N.Y. 12550 (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.
Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Refer —

Planning Board.....

Highway.....

Sewer.....

Water.....

Zoning Board of Appeals.....

APPLICATION FOR BUILDING PERMIT

Pursuant to New York State Building Code and Town Ordinances

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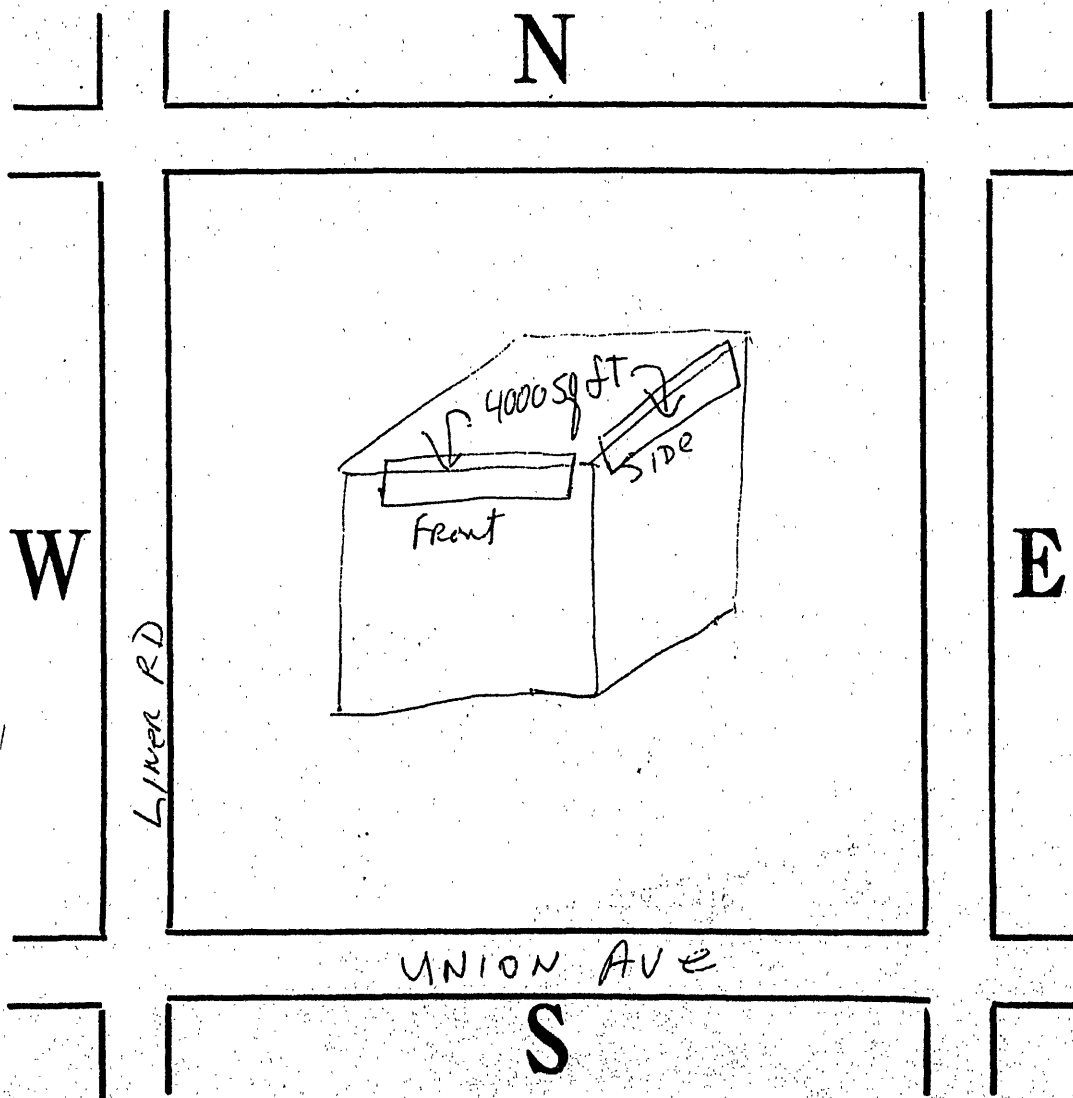
(Signature of Applicant)

Stewart Liner Transportation Corp., P.O. Box 2718
Newburgh, N.Y. 12550 (Address of Applicant)

PLOT PLAN

NOTE: Locate all buildings and indicate all set-back dimensions.

Applicant must indicate the building line or lines clearly and distinctly on the drawings.



ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 91-18

1. Municipality Town of New Windsor Public Hearing Date 8/12/91
☐ City, Town or Village Board ☐ Planning Board ☐ Zoning Board
2. Owner: Name Lothar Neumetzger
Address Susan Drive, Newburgh, N.Y. 12550
3. Applicant*: Name Arnoff Moving & Storage, Inc., 682 Dutchess Tpk Pough, NY 12603
Address _____

* If Applicant is owner, leave blank

4. Location of Site: Liner Rd., (nearest intersection Rt. 207/Union Ave.)
(street or highway, plus nearest intersection)
- Tax Map Identification: Section 4 Block 1 Lot 5.1
- Present Zoning District 2LI/C Size of Parcel 1.9 acres I

5. Type of Review:

Special Permit: _____

Variance: Use _____
Area Sign area - See attached plans.

Zone Change: From _____ To _____

Zoning Amendment: To Section _____

Subdivision: Number of Lots/Units _____

Site Plan: Use _____

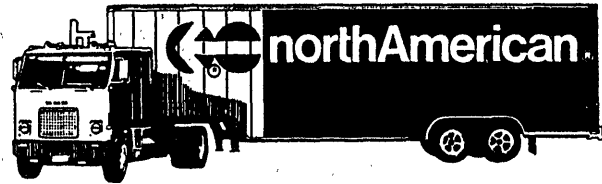
7/15/91
Date

Catherine A. Bernhart, Esq.
Signature and Title

ARNOFF

MOVING & STORAGE, INC.

MILLERTON ROAD • LAKEVILLE, CONN. 06039
682 DUTCHESS TURNPIKE • POUGHKEEPSIE, N.Y. 12603
7 TIVOLI STREET • ALBANY, N.Y. 12207



July, 1991

Patricia Barnhart
Zoning Board of Appeals
Town of New Windsor
555 Union Avenue
New Windsor, New York 12550

Re: Special Permit Variance - Business Sign

Dear Ms. Barnhart:

Considering our recent appearance before the New Windsor Zoning Board, concerning the proposed requested variance for the new sign for the Stewart Liner Transportation Corporation Building, may we further request that you consider the following as justification for the requested zoning variance.

RETAIL LOCATION

The Stewart Liner Transportation Corporation facility located at Union Avenue/ Liner Road, New Windsor, New York, should be considered a Retail location for the following reasons:

- 1.) We sell all types of packing material and special wood crates for our clients moves and also for UPS, Federal Express and other special carriers (yearly activity 225).
- 2.) The referenced location serves also as a Weigh Station (Commerical Scale) for over the road carriers.(other truckers) and for local use (cars, boats, trailers, etc). (yearly activity 2,571).
- 3.) We store various products for a variety of distributors, which requires that they deliver or pickup their products or perform administrative duties pertaining to same (yearly activity 200).
- 4.) In regard to the storage of household goods, our clients that have permanent storage with us, visits for the purpose of gaining access to their goods (yearly activity 250).
- 5.) Sales, many of our prospective clients visit our location for the purpose of inspecting our facility prior to storing their goods with us. Further, many of our clients visit our location for the purpose of counseling on their move (yearly activity 200).



northAmerican.

VAN LINES / AGENT
ICC No. MC107012

Free estimates ♦ world-wide service ♦ Full Value Protection ♦ complete moving and storage service

- 6.) Business Records Storage - we store business records for various firms, which require that they visit our facility to retrieve their files (yearly activity 200).

We realize that the overall proposed sign is contrary to the present code, however, in making your decision we ask you to consider the following in regard to the physical location of the building::

- 1.) The size (90' X 132') and the physical location of the building in reference to the very busy intersection of Route 300 and Orr Road.
- 2.) The building sits approximately 110' above the road level, which requires that a prospective client must be aware of the facility shortly after going through the intersection going south on Route 300. Further, even though the intersection is approximately 1,500' from the building, you do not see the building because of the obstruction of a very large Maple tree, which is approximately half way to the building.

In regard to the north bound traffic (on Route 300), the visibility is less than 100' before the left hand turn on to Liner Road. If the sign is properly lighted, they would have approximately 300' awareness.

- 3.) In regard to the requested lighting, if we used Flood Lights, it is our understanding that it would generate a glare against the light colored building and would cause a very significant detracton to the traffic. If we were to consider putting the lighting on top of the building, it would cause shadows.

We feel that the Channel Lighting is most appropriate for this type of sign, considering the physical location and the road visibility. This channeling lighting would only light up the letters (Dull Colors) and would not light up the background of the sign.

Inview of the rather significant amount of yearly activity and the physical location of the building, we do feel that we need a very visible sign.

You will find attached the photographs you requested of the building and excerpts from the Lease Agreement we have with Lothar Neumetzger.

We do hope that this additional information will allow you to extend further consideration to our original request.

Thank you and best regards.

Yours truly,


Ronald T. Anderson, Vice President
ARNOFF MOVING & STORAGE, INC.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals
of the TOWN OF NEW WINDSOR, New York will hold a
Public Hearing pursuant to Section 48-34A of the
Zoning Local Law on the following proposition:

Appeal No. 91-18

Request of LOTHAR NEUMETZGER and ARNOFF MOVING & STORAGE, INC.

for a VARIANCE of

the regulations of the Zoning Local Law to

permit two (2) building wall signs with more than
the allowable sign area;

being a VARIANCE of

Section 48-18 - Supplementary Sign Regulations

for property situated as follows:

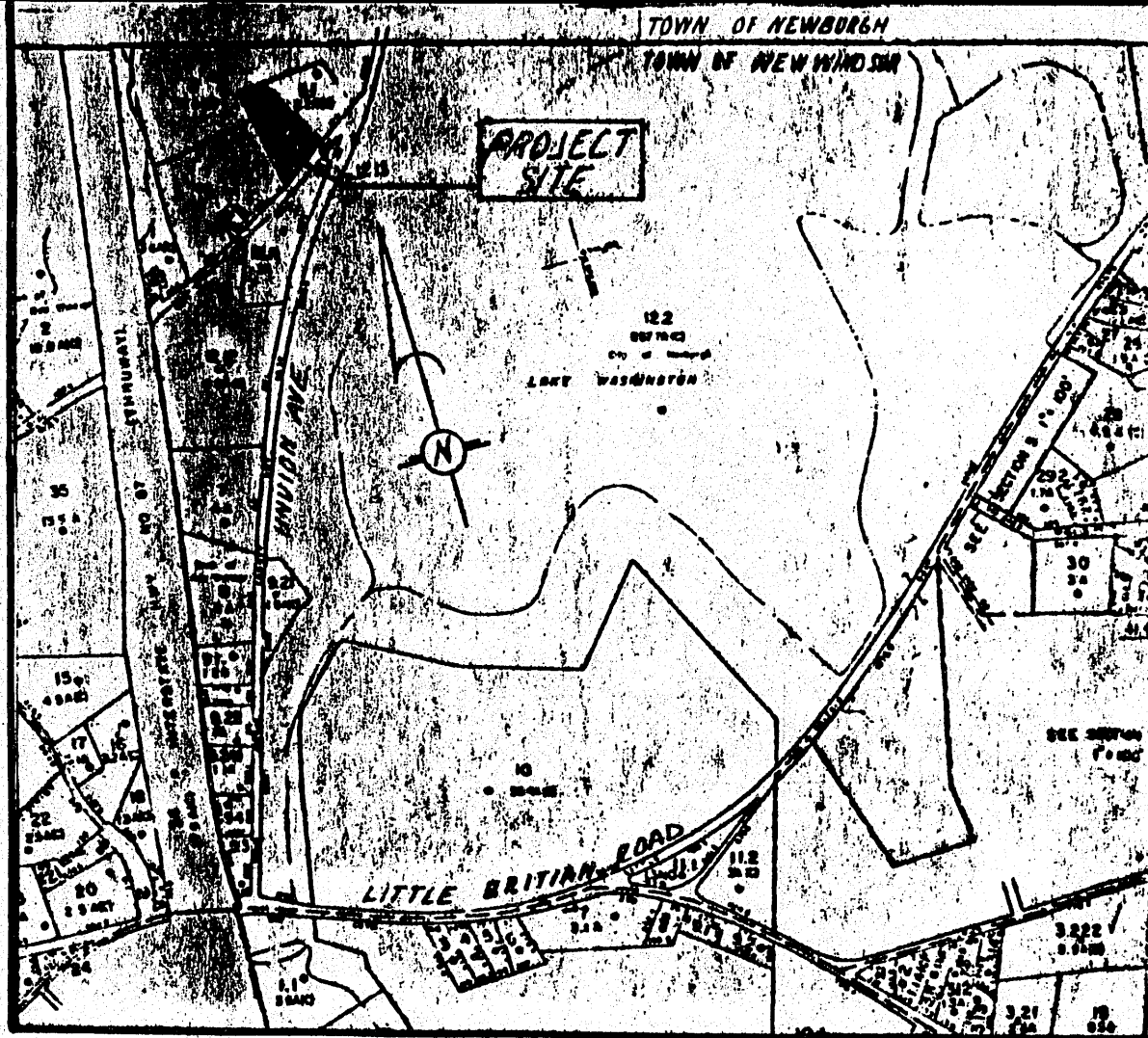
on the northside of Liner Road (a/k/a Square Hill Road),

New Windsor, N. Y., known and designated as tax map

Section 4 - Block 1, Lot. 5.1.

SAID HEARING will take place on the 12th day of
August, 1991, at the New Windsor Town Hall,
555 Union Avenue, New Windsor, N. Y. beginning at
7:30 o'clock P. M.

RICHARD FENWICK
Chairman



NOTES

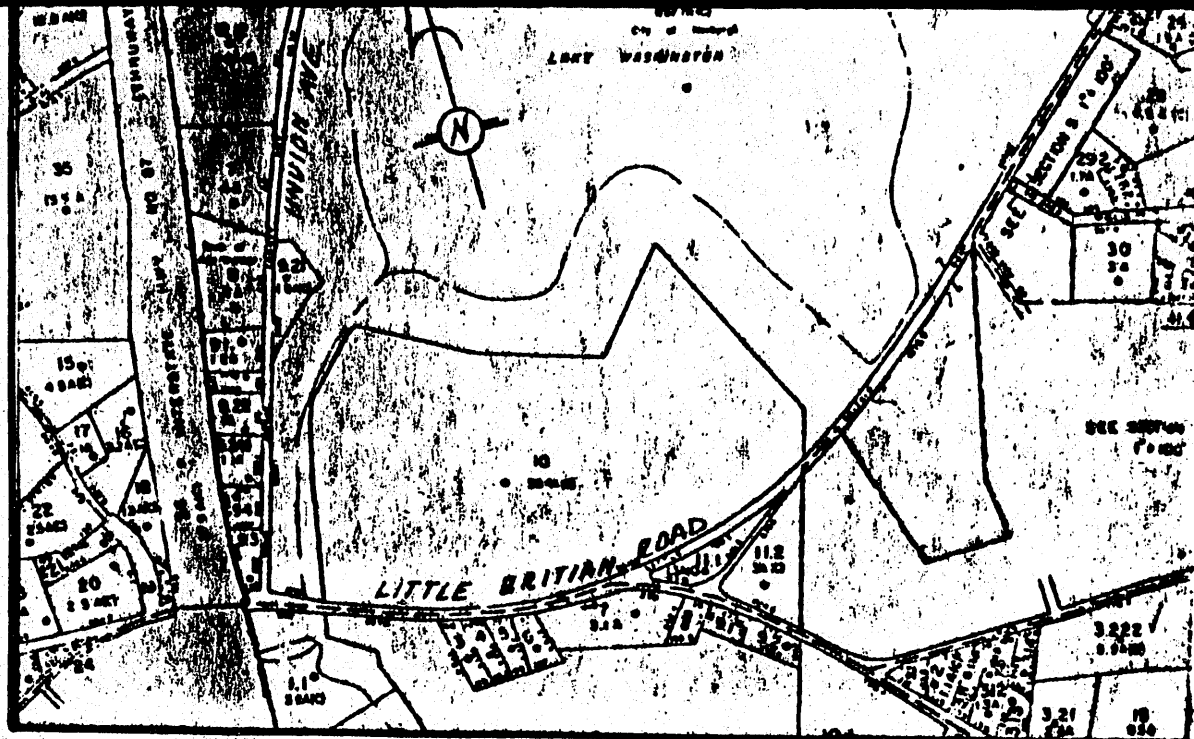
1. Being a proposed development of lands shown on the Town of New Windsor Tax Map as Section 4, Block 1, Lot 5.2.

2. Property Owner and Developer:

Lothar Neumetzger
c/o Stewart Liner
Liner Road
New Windsor, New York 12550

3. Property Zone: QLI

4. Proposed use: Warehousing.



NOTES

1. Being a proposed development of lands shown on the Town of New Windsor Tax Map as Section 4, Block 1, Lot 5.2.
2. Property Owner and Developer:
 Lothar Neumetzger
 c/o Stewart Liner
 Liner Road
 New Windsor, New York 12550
3. Property Zone: OLI
4. Proposed use: Warehousing.
5. Boundary and Topography shown is from field survey completed on 7 September 1983.
6. Employee parking provided on adjoining lands of owner/Developer.

ZONE BULK TABLE

USE: COL. A, NO. 3	MIN. SITE AREA	MIN. LOT WIDTH	FRONT YARD	SIDE YARD(S)	REAR YARD	FLOOR AREA RATIO	MAX. BLDG HGT.
Required	80,000 s.f.	200'	100'	50/110'	50'	0.2'	*11.55'
Provided	84,500±s.f.	240'±	40'	50/34'	255±'	0.195'	35'
Variances Requested	0 s.f.	0'	60'	25'	0'	0'	23.45'

*45'/ft. to nearest sideline (0.33' x 35.0' = 11.55')

STONE WALL CORNER

S 81° 17' 00" E

IRON ROD FOUND

109.18'

274+3

-270

147.17'

N 1° 29' 00" E

268+4

S 20° 37' 00" E

EDGE PARK

POLE W/LIGHT

STONE WALL INTERSECTION

AREA = 1.94 ± AC. 271+5

NEUM.
L. 20E

POLE W/LIGHT

LBOT
7

354.70'

WALL

35.0'
PROP.
EDGE PAVT

264

266
266+7

O.H. DOOR

PROPOSED
WAREHOUSE
F.F. 262.5
15000 SQ.FT.

POLE
403.71'

260

STONE

50.0'

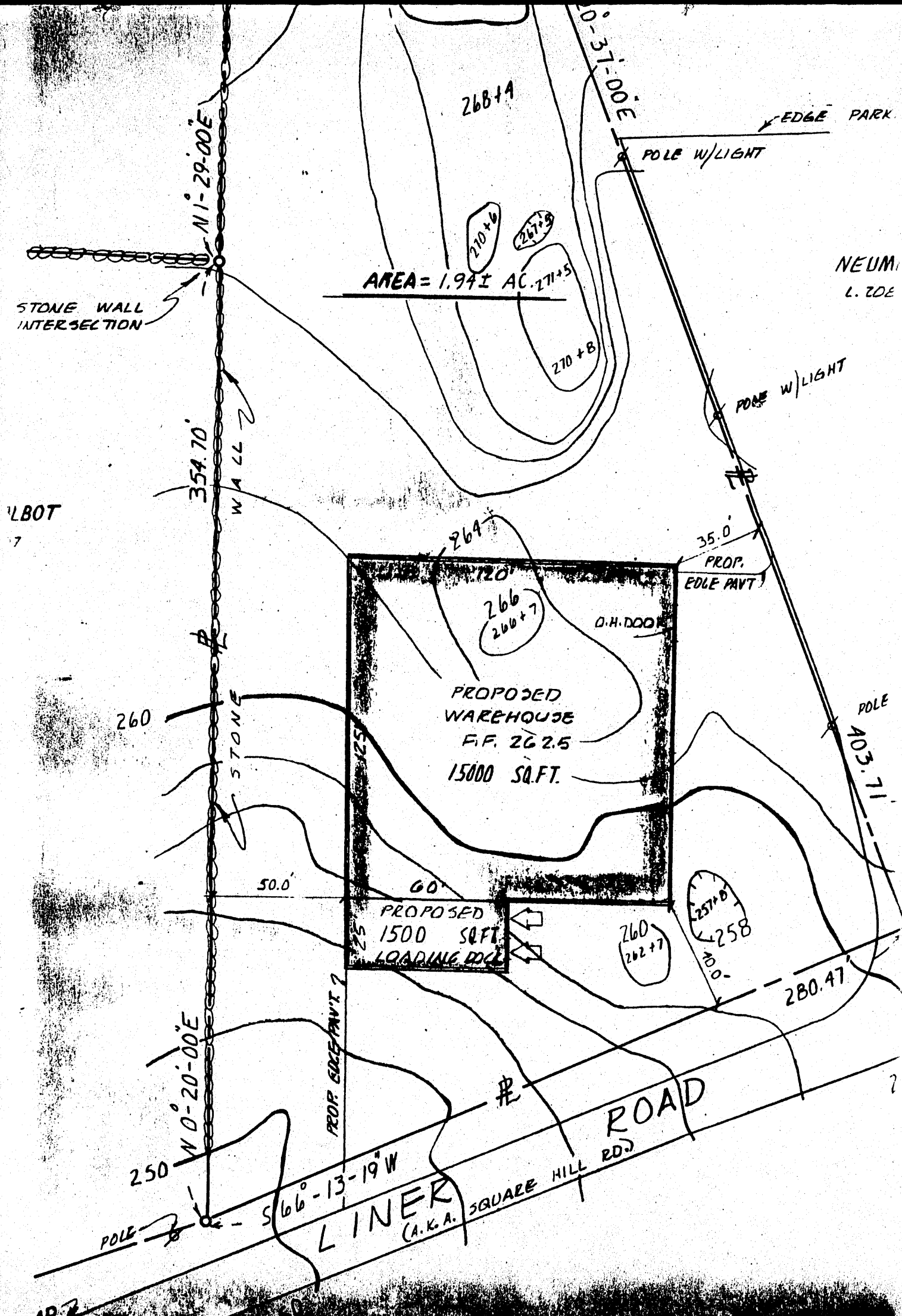
60'

PROPOSED
1500 SQ.FT.
LOADING DOCK

260
262+7

257+8
258
30.0'

280.47'



October 18, 1983

Duggan, Crotty & Dunn, Esqs.
R. D. #2, Temple Hill Road,
New Windsor, N. Y. 12550

Attention: Philip Crotty

Re: Neumetzger w. Roscino & Talbot
File #24,249

Dear Phil:

This will serve to confirm our telephone conversation that the option held by Neumetzger in connection with property belonging to your clients, Roscino and Talbot, is extended through the end of November, 1983.

As you know, we are appearing before the Zoning Board of Appeals next Monday, have submitted the plans to the Planning Board and are moving this along as fast as possible.

EMW:eml

Very truly yours,

ELLIOTT M. WEINER

OPTION TO PURCHASE

This Agreement, made the 28 day of July, 1983 between JOSEPH ROSCINO, ROSE TALBOT and MARY ROSCINO d/b/a DIPLOMAT ASSOCIATES, RD #1, Weyants Lane, Newburgh, New York, party of the first part and LOTHAR NEUMETZGER, 29 Susan Drive, Newburgh, New York, party of the second part.

WITNESSETH, in consideration of the sum of One (\$1.00) Dollar, paid by the party of the second part to the party of the first part, receipt whereof is hereby acknowledged, the party of the first part hereby grants to the party of the second part, his heirs, successors and assigns, the exclusive option to purchase the premises owned by DIPLOMAT ASSOCIATES on Liner Road, Town of New Windsor, consisting of approximately 1.9 acres abutting the rear westerly line of premises now owned by the party of the second part and known as Block 4, Lot 5.2, UPON THE FOLLOWING TERMS AND CONDITIONS:

1. This option and all rights and privileges hereunder shall expire on NOVEMBER 1, 1983 at 5:00 p.m.

2. This option is to be exercised by the party of the second part by written notice sent to the party of the first part by registered or certified mail within the time set herein for the exercise of this option or by personal delivery within said time to the party of the first part at RD 1, Weyants Lane, Newburgh, New York.

3. The total purchase price shall be the sum of Fifty Thousand (\$50,000.00) Dollars to be paid by the party of the second part if this option is exercised in the following manner:

M.R.
R.T.
JR 149
f

Twelve Thousand Five Hundred (\$12,500.00) Dollars in cash upon closing of title and Thirty Seven Thousand Five Hundred (\$37,500.00) Dollars, the balance of the purchase price, over five years at ~~149%~~ in equal installments of principal and interest. The balance of purchase price shall, upon closing, be secured by a purchase money mortgage which shall provide for subordination to any mortgage given by a lending institution to secure its financing of the construction of buildings and improvements on the subject premises.*

4. During the option period, the party of the second part may enter upon the property to perform various engineering tasks, soil analysis, test borings, etc. to determine the viability of the property for his purposes and to perform such other engineering and site analysis as he shall require. All data collected by the party of the second part shall, in the event this option is not exercised, be turned over to the party of the first part without any charge therefor and shall be paid in full by the party of the second part. The party of the second part shall likewise restore the premises as closely as possible to their present condition.

5. This option all rights hereunder shall be freely assignable and if signed by the party of the second part any and all acts performable by him hereunder may be performed by the assignee whether such assignment be before or after the exercise of this option.

-2-

*Prepared on Blumberg's form M674, copy attached, with ~~additions~~ *one addition*

IN WITNESS WHEREOF the parties hereto have placed their
hands and seals on the day and year first above written.

Party of the First Part, DIPLOMAT ASSOCIATES, BY:

Rose Talbot

Joseph W. Roscino

Mary Roscino

Party of the Second Part, LOTHAR NEUMETZGER

Lothar Neumetzger

CONSULT YOUR LAWYER BEFORE SIGNING THIS FORM—THIS FORM SHOULD BE USED BY LAWYERS ONLY.

Mortgage

Date.....

The Mortgagor promises and agrees as follows:

Parties

Mortgagor

Mortgagee

**Transfer of
rights in the
Property****Underlying
debt, future
advances****Property
mortgaged**

1. The Mortgagor hereby mortgages to the Mortgagee the Property described in this Mortgage. Mortgagor can lose the Property for failure to keep the promises in this Mortgage.

2. This Mortgage is made to secure a Debt of the Mortgagor to the Mortgagee for

dollars

(\$), payable with interest according to a Bond or Note having the same date as this Mortgage. The Mortgagee may make advances in the future to the Mortgagor or future owners of the Property. In addition to the above Debt the Bond or Note and this Mortgage is intended to secure any more debts now or in the future owed by the Mortgagor to the Mortgagee. The maximum amount of debt secured by the Bond or Note and this Mortgage shall not be greater than the Debt stated above. Mortgagee is not obligated to make future advances.

3. The Property mortgaged (the "Property") is All

**Payment
Insurance**

4. Mortgagor will pay the Debt as promised in the Bond or Note according to its terms.
5. Mortgagor will keep the buildings on the Property insured against loss by fire and other risks included in the standard form of extended coverage insurance. The amount shall be approved by Mortgagee but shall not exceed full replacement value of the buildings. Mortgagor will assign and deliver the policies to Mortgagee. The policies shall contain the standard New York Mortgage clause in the name of Mortgagee. If Mortgagor fails to keep the buildings insured Mortgagee may obtain the insurance. Within 30 days after notice and demand Mortgagor must insure the Property against war risk and any other risk reasonably required by Mortgagee.

h
26. At their option, the mortgagees may require the mortgagor, to pay to the mortgagees, each month, in addition to the payments required under the note or obligation secured hereby on an accrual basis one twelfth (1/12th) of the estimated total of annual taxes, assessments, water rates and charges, sewer rents and other charges which may become a lien on the premises, out of which payments the mortgagees will pay so much of said taxes, assessments, water rates and charges, sewer rents and other charges as such payments will permit. That in the event of a default in the payment of any installment of principal or of interest the mortgagees may, at their option, pay out of such additional payments so much or all of such installment of principal or of interest as such additional payments will permit.

27. In the event that any payment due under this mortgage or under the note or obligation secured hereby shall become overdue for a period in excess of fifteen (15) days, a "late charge" of two (2%) percent of any such overdue payment, may, at the option of the mortgagee, in accordance with Section 254(b) of the Real Property Law, be charged for the purpose of defraying the expense incident to handling such delinquent account.

28. In the event the mortgagees shall hereafter make any advances or incur any expenses on which, under the provisions of this mortgage or by law, the mortgagees are entitled to interest, such interest shall be computed at a rate per annum which shall be the greater of (i) the interest rate set forth in the note secured hereby or (ii) the rate of interest prescribed by the Banking Board pursuant to Section 14-a of the Banking Law.

29. The whole of the indebtedness secured by this mortgage shall immediately become due and payable at the option of the mortgagees, their first successors or assigns, if the mortgagor or his successors in title should sell, transfer or convey the whole or any part of the premises herein mortgaged while this mortgage remains a lien hereon, without first obtaining the written consent of the mortgagees and their successors or assigns, to such sale, transfer or conveyance.

30. This mortgage and the note secured hereby shall become due and payable upon a transfer of title to all or any part of the legal or equity interest of mortgagees in these premises.

31. If the mortgaged premises shall be abandoned by the mortgagor or any successors in title during the pendency of any action to foreclose this mortgage, then and in that event the mortgagees shall have the right, without notice to the mortgagor or any successors in title, to take possession of the said premises to protect and conserve its security.

32. It is agreed by the mortgagor that on foreclosure of the mortgage, there shall be included in the computation of the amount due, the amount of a fee for attorneys' services in the foreclosure proceedings equal to 10% of the unpaid principal balance at time of default as well as all disbursements, allowances, additional allowances, and costs provided by law.

OK
M.T.

33. After acceleration of the whole of the indebtedness secured by this mortgage by virtue of the mortgagor's default or after maturity, interest on the amount due mortgagees shall continue to be at the rate of 10% per annum or, if there is a legal rate at that time which is higher, then at the higher legal rate.

34. The mortgagor shall have the privilege of prepaying all or a part of the principal at any time without penalty.

35. ~~The subject premises are improved by a single-family residence or dwelling.~~

M.R.
P.T.
J.B.
H.

Maintenance	6. Mortgagor will keep the Property in reasonably good repair.
No sale or alteration	7. The Mortgagor may not, without the consent of Mortgagee, (a) alter, demolish or remove the buildings and improvements on the Property, or (b) sell the Property or any part of it.
Taxes, etc.	8. Mortgagor will pay all taxes, assessments, sewer rents or water rates within 30 days after they are due. Mortgagor must show receipts for these payments within 10 days of Mortgagee's demand for them.
Mortgagee's right to cure	9. Mortgagor authorizes Mortgagee to make payments necessary to correct a default of Mortgagor under Paragraphs 5 and 8 of this Mortgage. Payments made by Mortgagee together with interest at the rate provided in the Bond or Note from the date paid until the date of repayment shall be added to the Debt and secured by this Mortgage. Mortgagor shall repay Mortgagee with interest within 10 days after demand.
Statement of the amount due (estoppel)	10. Within five days after request in person or within ten days after request by mail, Mortgagor shall give to Mortgagee a signed statement of the amount due on this Mortgage and whether there are any offsets or defenses against the Debt.
Title	11. Mortgagor warrants the title to the Property. Mortgagor is responsible for any costs or losses of the Mortgagee if an interest in the Property is claimed by others.
Lien law section 13	12. Mortgagor will receive the advances secured by this Mortgage and will hold the right to receive the advances as a trust fund. The advances will be applied first for the purpose of paying the cost of improvement. Mortgagor will apply the advances first to the payment to the cost of improvement before using any part of the total of the advances for any other purpose.
Default, when full amount of debt due immediately	13. Mortgagee may declare the full amount of the Debt to be due and payable immediately for any default. The following are defaults: (a) Mortgagor fails to make any payment required by the Bond or Note and Mortgage within 15 days of the date it is due; (b) Mortgagor fails to keep any other promise or agreement in this Mortgage within the time set forth, or if no time is set forth, within a reasonable time after notice is given that Mortgagor is in Default; (c) On application of Mortgagee, two or more insurance companies licensed to do business in New York State refuse to issue policies insuring the buildings and improvements on the Property; (d) Mortgagor fails to make any payment required by any prior Mortgage; (e) Mortgagor fails to keep any other promise or agreement in any prior mortgage.
Sale	14. If Mortgagor defaults under this Mortgage and the Property is to be sold at a foreclosure sale, the Property may be sold in one parcel.
Receiver	15. If Mortgagee sues to foreclose the Mortgage, Mortgagee shall have the right to have a receiver appointed to take control of the Property.
Payment of rent and eviction after default	16. If there is a Default under this Mortgage, Mortgagor must pay monthly in advance to Mortgagee, or to a receiver who may be appointed to take control of the Property, the fair rental for the use and occupancy of the part of the Property that is in the possession of the Mortgagor. If Mortgagor does not pay the rent when due, Mortgagor will vacate and surrender the Property to Mortgagee or to the receiver. Mortgagor may be evicted by summary proceedings or other court proceedings.
Applicable law	17. Mortgagee shall have all the rights set forth in Section 254 of the New York Real Property Law in addition to Mortgagee's rights set forth in this Mortgage, even if the rights are different from each other.
Prior mortgages, defaults	18. If Mortgagor fails to make any payment on any prior mortgage when due, Mortgagee may make the payment. On demand the Mortgagor will pay to the Mortgagee the amount paid plus interest at the legal rate. Payments made by the Mortgagee and interest at the legal rate from the date of payment until the date of repayment shall be added to the Debt and secured by this Mortgage.
Subordination	19. This mortgage is subject and subordinate to
Notices	20. Notices, demands or requests may be in writing and may be delivered in person or sent by mail.
No oral changes	21. This Mortgage may not be changed or ended orally.

<p>Statement of the amount due (estoppel) Title</p>	<p>10. Within five days after request in person or within ten days after request by mail, Mortgagor shall give to Mortgagee a signed statement of the amount due on this Mortgage and whether there are any offsets or defenses against the Debt.</p>
<p>Lien law section 13</p>	<p>11. Mortgagor warrants the title to the Property. Mortgagor is responsible for any costs or losses of the Mortgagee if an interest in the Property is claimed by others.</p>
<p>Default, when full amount of debt due immediately</p>	<p>12. Mortgagor will receive the advances secured by this Mortgage and will hold the right to receive the advances as a trust fund. The advances will be applied first for the purpose of paying the cost of improvement. Mortgagor will apply the advances first to the payment to the cost of improvement before using any part of the total of the advances for any other purpose.</p> <p>13. Mortgagee may declare the full amount of the Debt to be due and payable immediately for any default.</p> <p>The following are defaults:</p> <p>(a) Mortgagor fails to make any payment required by the Bond or Note and Mortgage within 15 days of the date it is due;</p> <p>(b) Mortgagor fails to keep any other promise or agreement in this Mortgage within the time set forth, or if no time is set forth, within a reasonable time after notice is given that Mortgagor is in Default;</p> <p>(c) On application of Mortgagee, two or more insurance companies licensed to do business in New York State refuse to issue policies insuring the buildings and improvements on the Property;</p> <p>(d) Mortgagor fails to make any payment required by any prior Mortgage;</p> <p>(e) Mortgagor fails to keep any other promise or agreement in any prior mortgage.</p>
<p>Sale</p>	<p>14. If Mortgagor defaults under this Mortgage and the Property is to be sold at a foreclosure sale, the Property may be sold in one parcel.</p>
<p>Receiver</p>	<p>15. If Mortgagee sues to foreclose the Mortgage, Mortgagee shall have the right to have a receiver appointed to take control of the Property.</p>
<p>Payment of rent and eviction after default</p>	<p>16. If there is a Default under this Mortgage, Mortgagor must pay monthly in advance to Mortgagee, or to a receiver who may be appointed to take control of the Property, the fair rental for the use and occupancy of the part of the Property that is in the possession of the Mortgagor. If Mortgagor does not pay the rent when due, Mortgagor will vacate and surrender the Property to Mortgagee or to the receiver. Mortgagor may be evicted by summary proceedings or other court proceedings.</p>
<p>Applicable law</p>	<p>17. Mortgagee shall have all the rights set forth in Section 254 of the New York Real Property Law in addition to Mortgagee's rights set forth in this Mortgage, even if the rights are different from each other.</p>
<p>Prior mortgages, defaults</p>	<p>18. If Mortgagor fails to make any payment on any prior mortgage when due, Mortgagee may make the payment. On demand the Mortgagor will pay to the Mortgagee the amount paid plus interest at the legal rate. Payments made by the Mortgagee and interest at the legal rate from the date of payment until the date of repayment shall be added to the Debt and secured by this Mortgage.</p>
<p>Subordination</p>	<p>19. This mortgage is subject and subordinate to</p>
<p>Notices</p> <p>No oral changes</p> <p>Who is bound</p>	<p>20. Notices, demands or requests may be in writing and may be delivered in person or sent by mail.</p> <p>21. This Mortgage may not be changed or ended orally.</p> <p>22. If there are more than one Mortgagor each shall be separately liable. The words "Mortgagor" and "Mortgagee" shall include their heirs, executors, administrators, successors and assigns. If there are more than one Mortgagor or Mortgagee the words "Mortgagor" and "Mortgagee" used in this Mortgage includes them.</p>
<p>Signatures</p>	<p>The Mortgagor has signed this Mortgage as of the date at the top of the first page.</p>

WITNESS

MORTGAGOR

SS:

SS:

to me known to be the individual described in and who executed the foregoing instrument; and acknowledged that executed the same.

55:

SS:

that he knows

to be the individual described in and who executed the foregoing instrument, that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

STATE OF NEW YORK, COUNTY OF
On the day of 19 , before me
personally came

to me known to be the individual described in and who
executed the foregoing instrument. and acknowledged that
executed the same.

STATE OF NEW YORK, COUNTY OF
On the day of 19 , before me
personally came
to me known, who, being by me duly sworn, did depose and
say that he resides at No.

that he is the
of
in and which executed the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed to said
instrument is such corporate seal; that it was so affixed by
order of the board of directors of said corporation, and that
he signed h name thereto by like order.

STATE OF NEW YORK, COUNTY OF
On the day of 19 , before me
personally came

to me known to be the individual described in and who
executed the foregoing instrument. and acknowledged that
executed the same.

STATE OF NEW YORK, COUNTY OF
On the day of 19 , before me
personally came
the subscribing witness to the foregoing instrument, with whom
I am personally acquainted, who, being by me duly sworn,
did depose and say that he resides at No.

that he knows
described in and who executed the foregoing instrument,
that he, said subscribing witness, was present and saw
execute the same; and that he, said witness,
at the same time subscribed h name as witness thereto.

Mortgage

SUBORDINATE

TO

dated, 19

STATE OF NEW YORK

County of

RECORDED ON THE

day of, 19

at o'clock M.

in Liber of Mortgages

at Page and examined

CLERK

PLEASE RECORD AND RETURN TO:

NEW WINDSOR ZONING BOARD OF APPEALS

-----X
In the Matter of the Application of
ROSCINO, JOSEPH & MARY/NEUMETZGER, LOTHAR
TALBOT, ROSE

DECISION GRANTING
VARIANCES

83-36.
-----X

WHEREAS, LOTHAR NEUMETZGER of Liner Road, New Windsor
New York, (prospective purchaser), has made application before the
Zoning Board of Appeals for area variances for the purposes of:
in a PI (Planned Industrial) zone;
construction of accessory warehouse and loading dock at above location/
and

WHEREAS, a public hearing was held on the 14th day of
November, 1983 before the Zoning Board of Appeals at the Town Hall,
New Windsor, New York; and

WHEREAS, the applicant appeared by his attorney, Elliott
Weiner of Rider, Drake, Sommers, & Loeb P.C.; and

WHEREAS, the application was opposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New
Windsor makes the following findings of fact in this matter:

1. The notice of public hearing was duly sent to residents
and businesses as prescribed by law and published in The Sentinel, also
as required by law.

2. The evidence shows: that applicant must expand his
warehousing business since he has outgrown his present structure;

3. The evidence shows applicant is proposing to purchase
the additional property from the owner of adjacent parcel in order to
construct his accessory warehouse;

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.

2. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants 60 ft. frontyard and 25 ft. sideyard, along with / 23.45 ft. building height variances in accordance with plans submitted at the public hearing.

BE IT FURTHER,

RESOLVED that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: January 23, 1984.

Chairman



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK
(914) 565-8550

Date: November 15, 1983

RIDER, DRAKE, SOMMERS & LOEB P.C.
P. O. Box 991
Newburgh, N. Y. 12550

Attn: Elliott Weiner, Esq.

RE: APPLICATION BEFORE ZONING BOARD OF APPEALS
83-36 - NEUMETZGER/ROSCINO

Dear Mr. Weiner:

This is to confirm that your above application before the
New Windsor Zoning Board of Appeals was Granted
at a meeting held on the 14th day of November, 19 83.

A formal decision will be drafted and acted upon at a later
date. You will be receiving a copy of same by return mail.

Meanwhile, if you have any further questions, please do not
hesitate to call me.

Yours very truly,

A handwritten signature in cursive script that reads 'Patricia Delio'.

PATRICIA DELIO, Secretary
New Windsor Zoning Board of Appeals

/pd

cc: Patrick Kennedy, Bldg/Zoning Inspector
Town Planning Board

NEW WINDSOR ZONING BOARD OF APPEALS
Regular Session
November 14, 1983

MEMBERS PRESENT: Richard Fenwick, Chairman
Dan Konkol, V. Chairman
Joseph Skopin
James Nugent
John Pagano

MEMBERS ABSENT: Vincent Bivona
Jack Babcock

ALSO PRESENT: Andrew S. Krieger, Esq.
Attorney for the Board
Patricia Delio, Secretary

The November 14, 1983rd session of the Zoning Board of Appeals was called to order by Chairman Richard Fenwick. Secretary called the roll.

Motion followed by James Nugent, seconded by Joseph Skopin to accept the minutes of the 10/24/83 meeting as written. Motion carried, 4 ayes. (Mr. Pagano was excused due to illness.)

* * * * *

PRELIMINARY MEETING:

COOMBS, CHARLES - Request for trailer on private lot - southside of Twin Arch Road. Special permit from ZBA is required since a single trailer constitutes a trailer park. Notice of Disapproval of Building Permit Application issued by Building Inspector on September 26, 1983.

Motion followed by Dan Konkol, seconded by Joseph Skopin to schedule a public hearing upon the return of the completed paper-work. Motion carried 4-0.

* * * * *

PRELIMINARY MEETING:

MOODNA DEVELOPMENT CORP. - (Second item on agenda).
No show.

* * * * *

PRELIMINARY MEETING:

D'EGIDIO, DOMINICK - (Third item on agenda).
No show.

* * * * *

November 14, 1983

PRELIMINARY MEETING:

POINTER, PEARL - Request to house two veterans under Home Community Care Program through the Veterans Administration at residence located at 18 Hearthstone Way, New Windsor. Mrs. Pointer appeared before the Board with a request to house two veterans at her residence and requested permission from the Board through correspondence.

After some discussion, the Board members felt that a use variance would not be required since this request apparently falls within the concept of a "family unit." However, Attorney Andrew Krieger, was requested to research and forward correspondence to the Veterans Administration concerning this question.

* * * * *

PUBLIC HEARING in the matter of the Application of LOTHAR NEUMETZGER (contract purchaser) and ROSCINO (owner) for (1) 60 ft. frontyard; (2) 25 ft. sideyard; and (3) 23.45 ft. building height variance with regard to construction of accessory warehouse to be located on 1.9 acres of land on Liner's Road in an OLI (Office/Light Industry) zone.

Elliott Weiner, Esq. of Rider, Drake, Sommers & Loeb, P. C., attorney at law, appeared with Mr. Neumetzger and presented applications, public hearing notice which appeared in The Sentinel, list from Town Assessor's Office containing 5 names and addresses of adjacent property owners, five (5) return receipts and fee for application. Mr. Weiner also presented site plans for the Board's perusal.

Application was objected to by one David Nunnally of 26 Liner Road.

Public hearing was recorded on Tape #119 on file in Secretary's Office.

After the close of the public hearing, motion was made by Joseph Skopin, seconded by James Nugent to grant the area variances as requested in accordance with the changes made to the front portion of the site plan dated 9/25/83 with respect to the addition of grass and trees. Motion carried 4-0. Formal decision would be accepted at an upcoming meeting of the Board.

* * * * *

Since there was no further business to be brought before the Board, motion followed by James Nugent, seconded by Joseph Skopin. Motion carried, 4-0. Meeting adjourned.

Respectfully submitted,

Patricia Delio
PATRICIA DELIO, Secretary

B.

ORANGE COUNTY DEPARTMENT OF PLANNING
APPLICATION FOR MANDATORY COUNTY REVIEW
OF LOCAL PLANNING ACTION
(Variances, Zone Changes, Special Permits, Subdivisions)

Section A. - To be completed by Local Board having jurisdiction.
To be signed by Local Official.

Local File No. 83-36

1. Municipality TOWN OF NEW WINDSOR Public Hearing Date 11/14/83

☒ ~~CITY~~, Town or ~~Village~~ Board ☐ Planning Board ☒ Zoning Board of Appeals

2. Applicant: NAME LOTHAR NEUMETZGER - % Stewart Liner Trans. Co.

Address Liner Road, New Windsor, N.Y. 12550

Attorney, Engineer, Architect Attorney: Elliott Weiner, Esq.
% Rider, Drake, Sommers & Loeb - Box 991, Newburgh, N. Y.

3. Location of Site: Liner Road (a/k/a Square Hill Rd), New Windsor, NY
(street or highway, plus nearest intersection)

Tax Map Identification: Section 4 Block 1 Lot 5.2

Present Zoning District OLI Size of Parcel 1.9 acres

4. Type of Review:

☐ Special Permit Use*

☒ Variance* Use

Area sideyard, frontyard and height. (See attached copy of site plan)

☐ Zone Change*

From:

To:

☐ Zoning Amendment*

To Section:

☐ Subdivision**

Major

Minor

10/18/83

Date

Patricia Delio
Signature and Title
PATRICIA DELIO, Secretary - ZBA

*Cite Section of Zoning Regulations where pertinent

**Three (3) copies of map must be submitted if located along County Highway, otherwise, submit two (2) copies of map.

OCPD-1

NEW WINDSOR
N S SQUARE HILL RD

ACRES

DEED DATE 02/19/70
5/12/82

5.19
Purchase

ZETA HOLDING CORP
377 BROADWAY, NEWBURGH, NY

DIPLOMAT MOTOR LODGE INC.
MD25 UNION AVE N.W.

Roscino Joseph & Mary & Talbot Rose
c/o Talbot Rose RD1, Weyants Lane

Newburgh NY RECORD OF OWNERSHIP

DISTRICT	SECTION	BLOCK	LOT
ACCOUNT NUMBER		GRID COORDINATE	
CLASS CODE	ZONING	CARD NUMBER	ROUTING NUMBER
PROPERTY ADDRESS			
DATE	TYPE	SALE PRICE	SOURCE
MO.	YR.		1 BUYER 3 FEE 1 YES
	2 LAND 2 L & B		2 SELLER 4 AGENT 2 NO

10/83

LAND COMPUTATIONS

0 NONE	N	ACTUAL FRONTAGE	EFFECTIVE FRONTAGE	EFFECTIVE DEPTH	UNIT PRICE	DEPTH FACTOR	ACTUAL PRICE	INFLUENCE FACTOR	LAND VALUE
OTS	L								
1 REGULAR LOT	L								
2 MINUS LOT	L								
3 APARTMENT SITE	L								
SQ. FT.	S			SQ. FT.		INFLUENCE FACTORS			
1 PRIMARY SITE	S			SQ. FT.		1 CORNER			
2 SECONDARY SITE	S			SQ. FT.		2 TOPOGRAPHY			
3 UNDEVELOPED	S			SQ. FT.		3 UNIMPROVED			
4 RESIDUAL	S			SQ. FT.		4 EXCESSIVE FRONT			
ACREAGE	A			ACRES		5 SHAPE OR SIZE			
1 PRIMARY SITE	A			ACRES		6 RESTRICTIONS			
2 SECONDARY SITE	A			ACRES		7 ECONOMIC MISIMPROVEMENT			
3 UNDEVELOPED	A			ACRES		8 VIEW			
4 RESIDUAL	A			ACRES					
5 TILLABLE	A			ACRES					
6 PASTURE	A			ACRES					
7 WOODLAND	A			ACRES					
8 WASTELAND	A			ACRES					
9 HOMESITE	A			ACRES					
0 TOTAL	00			ACRES					
GROSS	G					TOTAL VALUE LAND			
1 IRREGULAR LOT						TOTAL VALUE BUILDINGS			
2 SITE VALUE						TOTAL VALUE LAND & BLDGS.			
3 RESIDUAL									
4 HOMESITE									
0 MINUS R.O.W.									
# 02						NUMBER OF LAND ENTRIES			

PROPERTY CLASSIFICATION CODE

ASSESSMENT RECORD

AGRICULTURAL-100 110-Livestock & Products 111-Poultry & products 112-Dairy products 113-Cattle, hogs, & products 114-Sheep & wool 115-Apary products 116-Other livestock 120-Field Crops 130-Truck Crops 140-Truck Crops 150-Orchard Crops 151-Tree fruits 152-Vineyards 160-Other fruits 170-Nursery/Greenhouse 180-Fur Products 190-Fish/Game & Wildlife Preserves RESIDENTIAL-200 210-1 Family Year-Round 220-2 Family Year-Round 230-3 Family Year-Round 240-Rural Residence W/Acreage 250-Estate 260-Seasonal 270-Mobile Home UNIMPROVED VACANT LAND-300 310-Residential 320-Rural 330-Commercial 340-Industrial 350-Urban Renewal	COMMERCIAL-400 410-Living Accommodations 411-Apts. other than 412/413 412-Condominium apt. 413-Co-operative apt. 414-Hotel 415-Motel 416-Mobile home parks 417-Camps & cottages 418-Other transient lodging -Other commercial RECREATIONAL-500* COMMUNITY SVCS-600* INDUSTRIAL-700 710-Manufacturing & Processing 720-Mining and Quarrying 730-Weils PUBLIC SVCS-800* WILD AND FORESTED-900 910-Private Other Than 920 920-Private Hunting/Fishing 930-State Owned 940-County Owned *See Detailed Listing for Divisions & Subdivisions	80 REV. 1983 84 19 19 19	LAND BLDG. TOTAL LAND BLDG. TOTAL LAND BLDG. TOTAL	24700 24700
--	---	--	--	----------------

BUILDING PERMIT RECORD

DATE	TYPE	AMOUNT	NUMBER
MO.	YR.	1 DEMOL. 2 ADDN.	

GENERAL PROPERTY FACTORS

NEIGHBORHOOD I.D.
05

TOPOGRAPHY RATING
2 3 4
GOOD FAIR POOR VERY POOR

STREET OR ROAD
2 3 4
PAVED UNPAVED PROPOSED

SIDEWALK
2 3 4
YES NO

ALLEY
2 3 4
YES NO

UTILITIES
WATER SEWER ELECTRICITY GAS
1 PUBLIC 1 PRIVATE

RESIDENTIAL PROPERTY FACTORS

NEIGHBORHOOD FACTORS

TYPE
1 2 3 4
RURAL URBAN SUBURBAN SUBDIVISION

TREND
1 2 3 4
IMPROVING STATIC DECLINING

INFLUENCE ON SUBJECT PROPERTY
1 2 3 4
NONE DEVALUING ENHANCING

DESIRABILITY RATING
1 2 3 4 5 6 7
EXCELLENT VERY GOOD GOOD AVERAGE FAIR POOR VERY POOR

LOT FACTORS

LANDSCAPING RATING
2 3 4 5
EXCELLENT GOOD FAIR POOR NONE

DRIVEWAY
2 3 4
IMPROVED UNIMPROVED NONE

FRONTING TRAFFIC
1 2 3 4
LIGHT MEDIUM HEAVY NONE

COMPARISON TO NEIGHBORING PROPERTIES
LOT IMPROVEMENTS
1. TYPICAL 2. POORER 3. BETTER 4. NONE

MEMORANDA

NEW WINDSOR
N S SQUARE HILL ROAD

ACRES

DEED DATE 02/18/65

10/4/77
10/15/77

ZETA HOLDING CORP
377 BROADWAY, NEWBURGH, NY

Stewart Line 2 Trans. Corp
Newmetzger, L Othar
Line 2 RD N.W.
Box 2718

RECORD OF OWNERSHIP

DISTRICT	SECTION	BLOCK	LOT
449	C	01	01
CLASS CODE	ZONING	CARD NUMBER	ROUTING NUMBER
LINE 2 RD			
DATE	TYPE	SALE PRICE	SOURCE
MO.	YR.		1 BUYER 3 FEE 2 SELLER 4 AGENT
10	77	153,700	1 2 3 4
10	77	160,000	1 2 3 4

LAND COMPUTATIONS

0 NONE	N	ACTUAL FRONTAGE	EFFECTIVE FRONTAGE	EFFECTIVE DEPTH	UNIT PRICE	DEPTH FACTOR	ACTUAL PRICE	INFLUENCE FACTOR	LAND VALUE
LOTS	L								
1 REGULAR LOT	L								
2 MINUS LOT	L								
3 APARTMENT SITE	L								
SQ. FT.	S								
1 PRIMARY SITE	S								
2 SECONDARY SITE	S								
3 UNDEVELOPED	S								
4 RESIDUAL	S								
ACREAGE	A								
1 PRIMARY SITE	A								
2 SECONDARY SITE	A								
3 UNDEVELOPED	A								
4 RESIDUAL	A								
5 TILLABLE	A								
6 PASTURE	A								
7 WOODLAND	A								
8 WASTELAND	A								
9 HOMESITE	A								
0 TOTAL	A								
1 IRREGULAR LOT	C								
2 SITE VALUE	C								
3 RESIDUAL	C								
4 HOMESITE	C								
0 MINUS R.O.W.	C								

PROPERTY CLASSIFICATION CODE

ASSESSMENT RECORD

AGRICULTURAL-100	COMMERCIAL-400	LAND	59,600
110-Livestock & Products	410-Living Accommodations	BLDGS.	125,100
111-Poultry & products	411-Apts. other than	TOTAL	164,500
112-Dairy products	412-Condominium apt.		
113-Cattle, hogs, & products	413-Co-operative apt.		
114-Sheep & wool	414-Hotel		
115-Apary products	415-Motel		
116-Other livestock	416-Mobile home parks		
120-Field Crops	417-Camps & cottages		
130-Truck Crops	418-Other transient lodging		
140-Truck Crops	419-Other commercial		
150-Orchard Crops			
151-Tree Fruits	RECREATIONAL-500*		
152-Vineyards	COMMUNITY SVCS-800*		
160-Other Fruits	INDUSTRIAL-700		
170-Nursery/Greenhouse	710-Manufacturing & Processing		
180-Fur Products	720-Mining and Quarrying		
190-Fish/Game & Wildlife Preserves	730-Weils		
RESIDENTIAL-200			
210-1 Family Year-Round			
220-2 Family Year-Round			
230-3 Family Year-Round			
240-Rural Residence			
W/Acreage			
250-Estate			
260-Seasonal			
270-Mobile Home			
UNUSED VACANT LAND-300			
310-Residential			
320-Rural			
330-Commercial			
340-Industrial			
350-Urban Renewal			

BUILDING PERMIT RECORD

DATE	TYPE	AMOUNT	NUMBER
MO.	YR.		
10	78	4,500	1636

GENERAL PROPERTY FACTORS

RESIDENTIAL PROPERTY FACTORS

MEMORANDA

NEIGHBORHOOD I.D.	NEIGHBORHOOD FACTORS	LOT FACTORS
TOPOGRAPHY RATING	TYPE	LANDSCAPING RATING
STREET OR ROAD	TREND	DRIVEWAY
SIDEWALK	INFLUENCE ON SUBJECT PROPERTY	FRONTING TRAFFIC
UTILITIES	DESIRABILITY RATING	COMPARISON TO NEIGHBORING PROPERTIES

564 0240

